

**The original documents are located in Box 65, folder “10/18/76 S865 Use of Public Buildings” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library**

### **Copyright Notice**

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

Exact duplicates within this folder were not digitized.

APPROVED  
OCT 18 1976

810/18/76

THE WHITE HOUSE  
WASHINGTON

ACTION

Last Day: October 19

MEMORANDUM FOR THE PRESIDENT  
FROM: JIM CANNON *Jim Cannon*  
SUBJECT: S. 865 - Use of Public Buildings

Attached for your consideration is S. 865, sponsored by Senator Buckley and three others.

The enrolled bill would:

- amend the Public Buildings Act of 1959 to encourage the location of Federal offices in buildings of historic, architectural or cultural significance and to promote greater public access to and use of public buildings;
- expand the Act of August 12, 1968, relating to the accessibility of public buildings for the physically handicapped, by imposing a clear statutory mandate to ensure that such buildings are made accessible.

A detailed discussion of the provisions of the enrolled bill is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Kilberg) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 865 at Tab B.



OCT 18 1976



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

OCT 14 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 865 - Use of public buildings  
Sponsors - Sen. Buckley (R) New York and 3 others

Last Day for Action

October 19, 1976 - Tuesday

Purpose

Promotes the preservation and public use of buildings of historical, cultural or architectural significance, and provides for greater accessibility of Federal buildings to the physically handicapped.

Agency Recommendations

Office of Management and Budget

Approval

General Services Administration

Approval (Informally)

National Endowment for the Arts

Approval

Department of the Interior

Approval

The President's Committee on

Employment of the Handicapped

Approval

Council on Environmental Quality

Approval

Architectural and Transportation

Barriers Compliance Board

Approval (Title II  
only) (Informally)

Department of Housing and Urban

Development

No objection (Informally)

United States Postal Service

No objection

Department of Health, Education,  
and Welfare

No objection

### Discussion

The enrolled bill (1) amends the Public Buildings Act of 1959 to encourage the location of Federal offices in buildings of historic, architectural or cultural significance and to promote greater public access to and use of public buildings for commercial and public interest purposes; and (2) expands the Act of August 12, 1968, relating to the accessibility of public buildings for the physically handicapped, by imposing a clear statutory mandate to ensure that such buildings are made accessible.

Title I of the bill requires the Administrator of the General Services Administration (GSA) to

- acquire and utilize space in suitable historic or culturally significant buildings, unless infeasible when compared with other alternatives.

- encourage the location of commercial, cultural, educational and recreational facilities in public buildings and adjacent space, and the use by the public of these facilities or spaces through lease arrangements at competitive rates or without charge, as appropriate. Items which could be made available include pedestrian access levels, courtyards, rooftops, auditoriums, meeting rooms, lobbies, etc.

- provide space and facilities to stimulate pedestrian traffic around, in, and through public buildings, and to permit cooperative uses of areas between public buildings and the street for commercial, cultural or other public activities which complement those of the surrounding neighborhood.

In carrying out the above responsibilities, the Administrator is directed to consult with Governors, area-wide agencies concerned with economic development and regional planning, and the chief executive officers of local governments served by existing or planned public buildings, and to solicit comments from other interested parties. Related administrative provisions require that the Administrator

-- describe, in prospectuses for Federal space, any existing buildings which enhance the local architectural, historical, cultural, and economic environment.

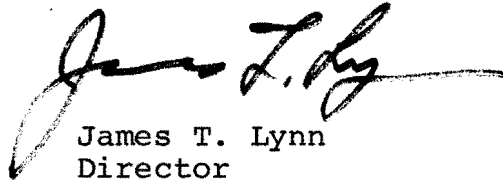
-- present a statement justifying the reasons for not acquiring a building identified as suitable for purchase.

-- request, in connection with a building needs survey, the Advisory Council on Historic Preservation to identify buildings of historic, architectural or cultural significance within the survey area which are suitable for use by the Federal Government, whether or not in need of repair or alteration.

Title II requires the GSA Administrator, the Secretary of Housing and Urban Development, the Secretary of Defense, and the United States Postal Service to prescribe standards for Federal buildings under their jurisdiction to ensure, whenever possible, that handicapped persons will have access to such buildings. This title is intended to strengthen the existing enforcement provisions of the Act of August 12, 1968, which merely authorizes the Administrator and the Secretary of Defense and the Secretary of Health, Education, and Welfare to prescribe such standards and which is silent with respect to the Postal Service in this regard. Included within the title's coverage are all Government-leased buildings and facilities intended for public use or in which the physically handicapped might be employed, all privately-owned buildings leased to the Government including those leased for public housing, and all Postal Service buildings.

The four agencies are required to establish a system of continuing surveys and investigations to ensure compliance with the standards prescribed. In addition, the Administrator of GSA must henceforth report each January to the Congress on his activities and those of other Federal agencies under this Act in regard to standards issued, revised, or repealed and all case by case modifications and waivers.

Finally, the enrolled bill directs the Architectural and Transportation Barriers Compliance Board to report each January to the cognizant congressional committees on its activities and actions to ensure compliance with the standards prescribed under the Act.



James T. Lynn  
Director

Enclosures

## THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 19

Date: October 15

Time: 1230pm

FOR ACTION: Lynn May *m*  
Sarah Massengale *ok*  
Max Friedersdorf *ok*  
Bobbie Kilberg *ok*

cc (for information): Jack Marsh  
Steve McConahey *df*  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 15

Time: noon

SUBJECT:

S.865-Use of public buildings

## ACTION REQUESTED:

☐ For Necessary Action☐ For Your Recommendations☐ Prepare Agenda and Brief☐ Draft Reply☒ For Your Comments☐ Draft Remarks

## REMARKS:

please return to judy johnstongground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.  
For the President

UNITED STATES OF AMERICA  
GENERAL SERVICES ADMINISTRATION  
WASHINGTON, DC 20405



October 12, 1976

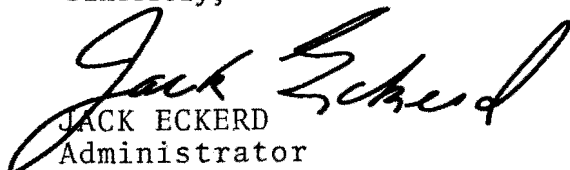
Honorable James T. Lynn  
Director, Office of  
Management and Budget  
Washington, DC 20503

Dear Mr. Lynn:

By letter of October 5, 1976, you requested the views of the General Services Administration (GSA) on enrolled bill S. 865, "To amend the Public Buildings Act of 1959 in order to preserve buildings of historical or architectural significance through their use for Federal public building purposes, and to amend the Act of August 12, 1968, relating to the accessibility of certain buildings to the physically handicapped."

GSA supports enactment of the enrolled bill.

Sincerely,

  
JACK ECKERD  
Administrator



# MEMORANDUM

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD  
WASHINGTON, D.C. 20201

TO : Mr. James M. Frey  
Assistant Director  
for Legislative Reference

DATE: OCT 8 1976

FROM : Chairman

SUBJECT: Enrolled Bill S.865

In accordance with your request of October 5, 1976, the Architectural and Transportation Barriers Compliance Board gladly submits its comments on the subject Enrolled Bill.

Title I, the Public Buildings Cooperative Use Act of 1976, will have a significant impact on the General Services Administration. Accordingly, the A&TBCB will defer to GSA and other agencies, such as the Department of Interior with respect to historic preservation structures, that would be affected by Title I.

Title II of the subject Bill amends the Architectural Barriers Act of 1968, 42 U.S.C. 4151-4156, in a manner consistent with the legislative findings of the General Accounting Office's Report, Further Action Needed to Make Public Buildings Accessible (B182030-July, 1975). The A&TBCB, having considered many of those issues, would support in principle enactment of Title II. In this respect, I am aware, based upon public discussions with the member of the A&TBCB from the Postal Service, that the Postal Service would support legislation granting USPS authority to issue standards under the Architectural Barriers Act in consultation with the Secretary of the Department of Health, Education, and Welfare.

Section 7 (b) of Title II would require the Board to report its compliance activities to the Congress each January. While this matter has not formally been considered by the Board, it is my belief that this reporting requirement will not be unduly burdensome since the essence of the material required will also be prepared in connection with the Board's annual report on all of its activities.

In summary, while, the Board must, with respect to Title II, defer to the agencies enumerated above as to the precise impact of S.865, the Board fully supports the principle and concept involved therein. I urge that this Bill be approved by the President.

  
Stanley B. Thomas, Jr.



THE GENERAL COUNSEL OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, D.C. 20410

OCT 14 1976

Mr. James M. Frey  
Assistant Director for  
Legislative Reference  
Office of Management and Budget  
Washington, D. C. 20503

Attention: Miss Martha Ramsey

Dear Mr. Frey:

Subject: S. 865, 94th Congress  
Enrolled Enactment

This is in response to your request for our views on the enrolled enactment of S. 865, which would amend the Public Buildings Act of 1959, and the Act of August 12, 1968 commonly called the "Architectural Barriers Act."

Title I of S. 865 relates to the aquisition and utilization by the General Services Administration of space for the accommodation of Federal agencies. While this Department is generally sympathetic to the bill's objectives of encouraging adaptive and multiple use of such space where feasible, we would defer to the General Services Administration and other agencies with overall responsibility for the location and utilization of Federal facilities as to the desirability of the enrolled bill's specific provisions in this regard.

Title II of the bill would amend P. L. 90-480, commonly called the "Architectural Barriers Act" to provide, in effect, that the present exemption under that Act for privately owned residential structures would not be available where such structures are "leased by the Government for subsidized housing programs" under a lease entered into or renewed on or after January 1, 1977. It would make mandatory the present provisions of P. L. 90-480 authorizing GSA, the Department of Defense and this Department to prescribe standards to insure that physically handicapped persons will have ready access

to and use of public buildings under their respective jurisdictions. Title II would also require these agencies to establish continuing systems of review and compliance with these standards. Under existing law, these agencies are authorized to conduct surveys and investigations as necessary to insure compliance with the Act.

It is not clear just what is intended by the provisions of the bill that would limit the present Architectural Barriers Act exemption for private residential housing to housing which is not leased by the "Government" for private subsidized housing programs. However, we do not interpret these provisions as affecting this Department's major housing assistance programs involving privately owned housing, since we believe "Government" would normally be read to mean the Federal Government and since the major subsidy programs in any event operate through leases made out directly to tenant families. There may be some instances where, in providing disaster relief, this Department would lease private homes directly and make them available to disaster victims but we would not regard HUD disaster relief as a subsidized housing program within the meaning of the bill.

Accordingly, this Department has no objection to Presidential approval of the enrolled bill but would defer to the General Services Administration, and the Departments of Defense and Health, Education and Welfare as to the desirability of those provisions of Title II which would affect the operations or interests of these agencies.

Sincerely,



Robert R. Elliott

NATIONAL  
ENDOWMENT  
FOR  
THE ARTS

WASHINGTON  
D.C. 20506



A Federal agency advised by the  
National Council on the Arts

October 7, 1976

Mr. James M. Frey  
Assistant Director  
for Legislative Reference  
Office of Management and Budget  
Washington, D. C. 20503

Dear Mr. Frey:

This is in response to your request for our views and recommendations on S. 865, a bill to amend the Public Buildings Act of 1959 in order to preserve buildings of historical or architectural significance through their use for Federal public building purposes, and to amend the Act of August 12, 1968, relating to the accessibility of certain buildings to the physically handicapped. This legislation authorizes the Administrator of General Services to employ an adaptive and multiple use approach in the management and acquisition of space for Federal agencies. Public access to government structures is encouraged by providing for the leasing of government buildings for commercial, cultural, educational and recreational activities. Where feasible, recycling of buildings with historic, architectural, and cultural significance is mandated through a method which provides for input from governors, area wide agencies, local government officials, community leaders and the general public. Under this approach all sectors would have an input in the enhancement of their architectural, historical and cultural environment.

Title II amends the Act of August 12, 1968 (42 U.S.C. 4151-4156), to require the establishment of standards for the design and alteration of certain buildings to facilitate access for the physically handicapped. The Act would insure compliance with these standards by requiring an annual accounting to Congress of efforts in this regard.

The National Endowment for the Arts strongly supports this legislation and has testified in favor of this bill in its various forms at Congressional hearings held during the past two years. Enclosed is a copy of the Chairman's recent testimony delivered at hearings conducted by the Subcommittee

October 7, 1976

on Public Buildings and Grounds Committee on Public Works and Transportation of the House on August 25, 1976.

By promoting the concepts of adaptive use and multiple use in the Public Buildings Program, this legislation would implement a number of recommendations made by the Federal Architecture Task Force, convened in 1972 at the President's request. This is an approach which the Endowment has also supported through the grants and technical assistance of its Architecture and Environmental Arts Program. The Act, by providing statutory authority for adaptive use and multiple use, will aid in the preservation of the nation's architectural resources, increase the Federal standards of design excellence, and improve the public image of the Federal government by demonstrating to communities the government's openness and accessibility while contributing to the enhancement of the total environment.

Title II deals with an area of special concern to the Endowment. We have long been committed to providing increased access for the physically handicapped so that they might share equally with all Americans in the experience of cultural and artistic activities. The National Council on the Arts adopted a resolution on September 15, 1973, reaffirming this commitment and encouraging the private sector and state and local government to note these needs when building or renovating their own cultural facilities. There has recently been established, within the Endowment, a program dealing specifically with the special needs of these constituents.

The National Endowment for the Arts supports this legislation and recommends approval of S. 865 by the President.

Sincerely,



Nancy Hanks  
Chairman

Enclosure

Statement of  
Nancy Hanks  
Chairman, National Endowment for the Arts

on

H.R. 15134, the Public Buildings  
Cooperative Use Act of 1976

before the

Subcommittee on Public Buildings and Grounds  
Committee on Public Works and Transportation  
U.S. House of Representatives

August 25, 1976

Mr. Chairman, it is a special pleasure for me to be here to testify on H.R. 15134, the "Public Buildings Cooperative Use Act of 1976." In doing so, I am wearing two hats today, one as Chairman of the National Endowment for the Arts and another as the person charged by the President with responsibility for the Federal Design Improvement Program.

As you know, in 1972, the President asked the National Endowment for the Arts to initiate a program to improve the Federal Government's design activities. One facet of that program was to be a revision and expansion of the Guiding Principles for Federal Architecture, issued in 1962. To carry out this aspect of the design program, we appointed at the President's request a task force composed of eminent private design professionals and two concerned members of Congress --- Senator Howard Baker and Representative Frank Thompson. We also assembled a group of architects from 20 Federal agencies with major construction responsibilities to draw on their special knowledge as we conducted our research. I will discuss the excellent work of the Federal Architecture Task Force in a little while; but I would like to say now that the inter-agency group has proven to be an invaluable source of information, ideas, and enthusiasm. These Federal designers are professionals in the best sense of the word: They are expert and imaginative and they place the public interest in the forefront of their thinking. The agency representatives tell us that we in turn perform a valuable service to them and their agencies by providing a forum for the exchange of information and the crossbreeding of ideas.

Staff support to the Federal Architecture Task Force and inter-agency group is provided by the Federal Architecture Project. With me here this morning are Mr. Bill Lacy, Director of the Architecture + Environmental Arts Program of the National Endowment for the Arts and Executive Director of the Federal Architecture Project, and Mrs. Lois Craig, Staff Director of the Project.

The Federal Architecture Task Force, like the group convened ten years before that produced the Guiding Principles, made no attempt to define an appropriate style for Federal architecture. We have long since passed the period in our country's history when it was thought necessary for every public building to recall the glories of ancient Greece and Rome, although we rightly cherish the architectural legacy that period has bequeathed us. Instead, the Task Force broadened the focus of its work beyond the building itself to include the processes that produce the building and its impact on users, visitors, and its physical and socioeconomic environment.

In April 1974, the Task Force issued an interim report, entitled Federal Architecture: A Framework for Debate, containing its findings and a series of recommendations for improving Federal architecture. Since that time, at the direction of the Task Force,

the staff of the Federal Architecture Project has prepared supplementary reports on two of the most important recommendations, recommendations which H.R. 15134 would implement: cooperative--or multiple--use, and recycling of buildings--or adaptive use. I would like to submit those two reports entitled Federal Architecture: Multiple-Use Facilities and Federal Architecture: Adaptive-Use Facilities for the record. They state the case for cooperative use and recycling as forcefully as possible and describe our reasons for strongly supporting Title I of the bill.

I would also like to submit for the record a report entitled Arts and the Handicapped: An Issue of Access. It was prepared by Educational Facilities Laboratories under a contract from the National Endowment for the Arts, and it describes ways in which public arts facilities can be made fully accessible to the handicapped. The report is only one of several projects undertaken by our Architecture + Environmental Arts program to encourage the nation's design and construction communities to give more attention to the special needs of our less mobile citizens. With Endowment funds, a national information service on arts and the handicapped has been established and grant monies have been set aside to help pay for planning and designing accessible facilities.

I would like to highlight only a few points made in the reports I mentioned and to add some comments on the practical implications of this bill. As to most of its technical aspects, as well as to the desirability of specific provisions of Title II, I defer to the expertise of the General Services Administration, the Advisory Council on Historic Preservation, and the others testifying and reporting on this bill.

The basic problem in Federal architecture was summed up by Professor J. B. Jackson of Harvard in a quote used to introduce the multiple-use report: "No one in his right mind now goes into a public building except on business." The problem is one of both visual image and physical access.

The point is, our "public" buildings are like signs, advertising the kind of people and government we are. In this case, they are false advertising: our government is not distant and aloof; it is an open government, sensitive to the needs and desires of its people. But our buildings, those permanent, attention-getting symbols of the Federal presence, do not always show that.

Some people say that, as impenetrable as some of our buildings appear, most of the public has little need to visit inside them. Where our agencies conduct activities that require frequent contact with the general public, they should be conveniently located so that the public is made welcome.



If you read the recommendations of the Task Force as a whole, you will see these issues of public image and public access were very much on the minds of the Task Force members. They concluded that the Federal Government has an obligation to provide buildings, which demonstrate that government is not a remote control system run from Washington and which emphasize the Federal Government's accountability to its local constituencies by contributing to the improvement of their environment, socially, economically, and visually. And they further concluded that adaptive use and multiple use can be keys to helping the Government meet that obligation.

What the Task Force members were really talking about was creating a truly barrier-free architecture in our Federal public buildings. Architects have generally used the term "barrier-free" to describe design oriented specifically toward the handicapped. The Task Force pointed out that buildings can pose "barriers," both physical and visual, between government and all of our citizens.

Mr. Chairman, there are others here who are much more knowledgeable than I in the complexities of turning old buildings to contemporary uses. I will only make a few general observations.

Old buildings are like old friends. They connect us to our past. Yet at the same time, they are a vital part of our present because they assure us of a certain stability and continuity in times of rapid change. It is for just this reason that they should not be precluded from housing the Federal Government's activities. They very often perfectly fit the 1962 Guiding Principles description of an appropriate Federal architectural style as one "...which is distinguished and which will reflect the dignity, enterprise, vigor, and stability of the American national government."

Reuse of old buildings also accords with a lost American ethic which we are trying to recapture, one expressed in the New England proverb, "Use it up, wear it out, make it do, or do without." Our Federal Government's first building was nearly a century old by 1789, when George Washington took the presidential oath of office on its balcony and Congress met for the first time under the Constitution in its rooms. It had been the city hall of New York when the new government acquired it, remodeled it, and "made it do." So adaptive use was not a new idea when our Task Force proposed it; it was an old idea waiting around for modern necessities to "mother" its re-invention.

Renovating an old building in some cases can cost less per square foot of usable space. In July 1975, the National Trust for Historic Preservation held a conference on the economic benefits of preserving old buildings. Private developers and architects agreed that some well-managed re-use projects have been completed at less than half the cost of new buildings in the same areas. Part of the saving results from the greater speed with which re-use projects are completed. Borrowing costs are therefore lower, inflation has less impact on the costs of materials and labor, and rentals start flowing in sooner.

Adaptive use projects also can provide more jobs per construction dollar than new construction and the workers tell us that the jobs are more challenging and satisfying. Re-use cuts down the time it takes to complete environmental and other official reviews, and it rarely stirs up community opposition, the way new projects so often do. In fact, re-use projects are noted for revitalizing their surrounding neighborhoods, and that increases opportunities for private investment, brings in more revenues to local government, and heightens civic pride.

I am very pleased to see that this bill encourages recycling of those buildings which we do not normally think of as architectural landmarks. They, too, signify continuity, and, more importantly, are resources to be conserved if at all possible. Trolley barns have been turned into a successful shopping center in Salt Lake City; in Akron, grain silos, of all things, are now apartments and offices. An old commercial warehouse in Minneapolis was turned into a combination office building and retail shopping center. This year, it won one of the American Institute of Architects' coveted national awards. In fact, four out of the ten awards went to adaptive-use projects. This indicates the strength of the trend which, in the last year, has been reported not only in architecture magazines, but in Time and Fortune as well.

The Federal Architecture Task Force was thoroughly convinced that adaptive use office buildings would improve the public image of the Federal Government in communities across the Nation. The Task Force concluded that multiple use holds even greater potential for demonstrating a commitment to open and accessible government, local economic welfare, and sound urban land-use principles.

Under the provisions of H.R. 15134, multiple use could be included throughout the public building inventory. Need- less to say, not every Federal building can support the entire range of uses; some, because of location or purpose, may be able to accomodate only regular office activities. Each situation is unique and will have to be evaluated in the context of its setting.

Multiple use is not a new idea, of course. It is simply a new name for a familiar principle of urban land use. As an editorial in Architectural Record magazine recently asked in support of the Senate version of this bill, "Why shouldn't the Government live over the store?" For centuries, cities featured a jumble of housing, shops, workplaces and social centers in close proximity. (Up until the 1850's, flower and vegetable vendors hawked their wares in the Capitol Rotunda, but this is a mixed use we do not recommend reviving.) Many people are now convinced that this mixture of uses was responsible for the charm, vitality, and attractiveness of city life. They are probably right. We should remember, however, that this mixture came about, not from any conscious

attempt to make cities "charming," but rather as a solution to the problem of providing the necessities of life with a slow-moving transportation system. The transportation problem ought to strike a chord with us again today. We have just recently recognized the transportation and energy costs of our pattern of urban sprawl and segregated land uses. I don't think any of us doubt that the Federal Government must do whatever it can to contribute to reducing those costs.

Moreover, multiple-use buildings are often used more intensively, and that conserves urban land. In normal practice, our Federal office buildings stand empty after working hours and on weekends. Nightlife and weekend activities go on in other buildings. If the office and after-hours activities are accommodated in the same structure, however, the pressure on urban land and consequently on the open land surrounding our cities is lessened.

As with adaptive use, the resource and energy savings that can be attributed to multiple use are not as apparent as the straightforward commercial arguments in its favor. In a book published this year and aimed at private developers, the Urban Land Institute described several of these. Experience shows that mixed-use yields economies of scale in building and business operating expenses of up to 15 to 20 percent. It can stimulate revitalization of some commercial districts and prevent deterioration in others by protecting against overcommitment to one type of real estate use that may later become obsolete. Retail tenants of mixed-use projects draw upon a larger clientele than they would in an isolated location. Customers are attracted by the liveliness of the mixture of uses and feel more comfortable--and that stimulates sales. Finally, clustering varied activities in one intensively-used location instead of several dispersed sites increases security, reduces the costs to cities of furnishing essential services, decreases reliance on the automobile, and helps make mass transit feasible. ULI reports that developers discern a trend toward mixed-use and feel government has an important role to play in encouraging it--a role that includes ownership and operation of mixed-use buildings.

We know of one instance in which a midwestern town pleaded with the Federal Government to provide space for commercial activities in its new office building. The building was in the middle of a redevelopment tract which had been carefully planned as a pedestrian shopping area. All other new buildings in the area were required to include lower-floor shopping space. The town was very concerned that the Federal building, which occupied a large and strategic site, would impede the flow of shoppers. Federal officials had to inform town planners that no authority existed to allow stores in the building and it stands today as an isolated, forbidding presence on an otherwise lively street.

It was to just such complaints from businessmen that the Canadian Government responded with an ambitious multiple-use program. Told by merchants that its single-use office buildings were "dead spaces" in the swirl of city activity and were damaging to business in their neighborhoods, the Department of Public Works began designing new buildings with built-in space for stores and restaurants, and it established an office to actively market the space. The Department says it has had no complaints about its entry into the commercial rental market. Department representatives even participate in the activities of local merchants' associations.

The point is, that under H.R. 15134, the Federal Government would not be competing with private enterprise; it would be promoting it. Since the multiple-use authorities in the bill are permissive, GSA need only use them where it appears multiple use will be beneficial to the community. If it appears that local conditions make a multiple-use development in a particular instance unnecessary or unwise, then there should be no mixed-use allowed. But if it is appropriate, the Federal Government will be providing increased opportunities for retail business activity.

Unfortunately, leasing out space for commercial, cultural, educational, and recreational activities is not simply a matter of hanging out a sign saying, "space to let" and assigning leases on a first-come, first-served basis. Careful planning is required to make sure that the multiple-use program accomplishes its goal of enhancing the urban environment.

The Canadians admit quite candidly, for example, that their first multiple-use project got into difficulty. It was a new building in a depressed area with little existing daytime office or commercial activity. Commercial tenants were moved into the new building before the Government's office workers. With no available clientele, many of the small shops had to vacate. The Department of Public Works now pays careful attention to the problem of phasing in its tenants.

It is also important to ensure an appropriate mix of activities. Certain types of retail activities and restaurants act as drawing cards to passers-by to the benefit of other, less instantly alluring ones. These drawing cards have to be included in any substantial commercial scheme. On the other hand, some activities, though legal, might detract from the dignity of the Federal Government and offend a part of the public. They should be excluded.

The supply of and demand for commercial, cultural, educational, and recreational activities have to be studied in each situation. Private owners do not execute leases with stores or other facilities that have little chance of economic survival, since frequent turn-overs raise administrative expenses and discourage customers. Activities in the leased space in Federal buildings will have to be keyed to the demands of two groups--the general public and Federal office workers. Some facilities that might not otherwise be encouraged to lease based on a strictly external market analysis,

might nevertheless be sought for the benefit of our civil service employees. Athletic and recreational facilities, for example, are too seldom provided in our office buildings, despite their potential contribution to employee health, morale, and effectiveness. Attention must be paid to the rates charged by private health facilities, because they may be too high to allow the bulk of the employees to enjoy their use. Moreover, as above, the Randolph-Sheppard program and Federal policy necessitate the individual study of leasing arrangements to identify optimal locations for the establishment of state-licensed, blind-operated vending facilities. Very often, such study may require an analysis of the economic viability and potential adverse impact on other purveyors in the private sector as well as consideration of the necessity to maintain high quality snack bar and food services for federal employees and the public.

Making public buildings inviting to the public involves more than just providing a mix of activities inside them. If pedestrians are to be attracted to them, as H.R. 15134 encourages, and as profit-seeking tenants demand, the buildings themselves have to be designed to act as magnets. Fountains, plazas that direct movement toward the building, prominent entrances, information kiosks, signs, and banners all can capture the attention of people passing by.

Building managers can increase this magnetic effect by programming activities in indoor and outdoor public spaces. The expense of these activities would be covered by an admission fee. Boston's City Hall, which does not incorporate multiple uses of the sort we are talking about, but which is a good example of a public building that actually welcomes the public, is the setting for a year-round festival. During the summer, its outdoor plaza, which was designed as a small amphitheater, is the scene of orchestra and jazz concerts, folk dance and ballet programs, sculpture exhibits, and an annual Fourth of July celebration. Indoors, there are painting, photography, sculpture, and tapestry exhibits, fashion shows, receptions, a Christmas Tree festival, and countless choral, band, and organ concerts. I know you all understand how such events can enliven a building--I've often stopped to listen to the concerts that your constituents present in the lobbies of the House Office Buildings and on the plaza and steps of the Capitol.

None of us want to make Federal buildings inviting to those who would disrupt the activities of their offices. Some people have expressed the fear that multiple-use Federal buildings will be more susceptible to disruption or bombing, since more people will be passing through them. That is a genuine concern. Careful attention to design, however, can allay these fears. The J. Edgar Hoover Building, which has been criticized by some as an example of a Federal building that detracts from the commercial and street environment around it, does, in fact, incorporate a circulation system for its visitors that prevents them from wandering into security-sensitive areas of the building. If this security problem can be solved in the headquarters of the FBI, I dare say it can be solved in the design of other new Federal buildings.

I would like to suggest only one small, but important revision in the multiple-use provisions of the bill. As presently written, only space on the major pedestrian access level can be leased on a long-term basis. This would preclude a two-level shopping area like the ground floor and mezzanine arrangement planned for the new Bank Board building. Since these two-level developments have been successful in many places, I would suggest that the bill be amended to permit leasing "on the major pedestrian access level and one contiguous level."

Although I have spoken of them separately, adaptive use and multiple use are best combined, with mutually beneficial results. Many rehabilitation projects are made economically feasible by including multiple uses in the adapted buildings. Multiple-use facilities gain patronage by being located in adapted old buildings which are both familiar and intriguing to the public.

Mr. Chairman, we are deeply gratified that the work of the Federal Architecture Task Force has borne this fruit. The National Endowment for the Arts strongly supports the adaptive and multiple-use provisions of H.R. 15134. We believe that they will reflect in our public architecture the same impulse to more open communication between the Government and the governed that we see in so many other areas of contemporary public affairs. Thank you for giving me the opportunity to speak to you on their behalf.



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

**OCT 8 - 1976**

Dear Mr. Lynn:

This will respond to your request for the views of this Department on enrolled bill S. 865, "To amend the Public Buildings Act of 1959 in order to preserve buildings of historical or architectural significance through their use for Federal public building purposes, and to amend the Act of August 12, 1968, relating to the accessibility of certain buildings to the physically handicapped."

We recommend the President sign the enrolled bill.

Title I of enrolled bill S. 865 would provide the General Services Administration with legislative direction in the use of historic buildings, and in the design and use of public buildings. Section 103(3) would authorize the Advisory Council on Historic Preservation to conduct surveys for the General Services Administration of buildings within particular geographical areas that are of historic, architectural, or cultural interest and that would be suitable for acquisition or purchase to meet the public buildings needs of the Federal Government. Title II would make certain amendments in the Act of August 12, 1968, relating to the accessibility of certain buildings to the physically handicapped.

We believe the purpose of enrolled bill S. 865 is commendable. It is highly appropriate that the General Services Administration be given legislative direction in the use of historic buildings, and in design and use of public buildings, particularly as it relates to their accessibility and use by those physically handicapped.

While supporting S. 865, we would note that section 3(3)(c) duplicates, to some extent, existing authority of the Secretary of the Interior in the Historic Preservation Act of 1966 to expand and maintain a National Register of Historic Places. In our report of August 24, 1976, to the Chairman of the House Committee on Public Works and Transportation, we recommended that the Committee amend section 3(3)(c) in order to vest responsibility for action, in accordance with Executive Order 11593, upon the Administrator of the General Services Administration, and to avoid unnecessary duplication of program responsibilities by directing the

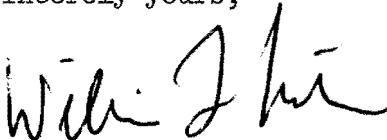


Administrator to prepare procedures for identifying suitable historic buildings in consultation with the Department of the Interior, the National Trust for Historic Preservation, the National Endowment for the Arts, the Council on Environmental Quality and the Advisory Council on Historic Preservation. Even though this change was not incorporated into the enrolled bill, we would expect such coordination to, in fact, occur in the administration of its provisions.

In regard to title II, we defer to the views of the General Services Administration as to its desirability.

For these reasons, we recommend the President sign this bill.

Sincerely yours,

  
**Acting** Secretary of the Interior

Honorable James T. Lynn  
Director, Office of  
Management and Budget  
Washington, D.C.



**The President's Committee  
on Employment  
of the Handicapped  
Washington, D. C. 20210**



October 7, 1976

**Associate Members**

THE SECRETARY OF STATE  
THE SECRETARY OF THE TREASURY  
THE SECRETARY OF DEFENSE  
THE ATTORNEY GENERAL  
THE SECRETARY OF THE INTERIOR  
THE SECRETARY OF AGRICULTURE  
THE SECRETARY OF COMMERCE  
THE SECRETARY OF LABOR  
THE SECRETARY OF HEALTH, EDUCATION,  
AND WELFARE  
THE SECRETARY OF HOUSING AND  
URBAN DEVELOPMENT  
THE SECRETARY OF TRANSPORTATION  
THE ADMINISTRATOR OF VETERANS AFFAIRS  
THE CIVIL SERVICE COMMISSION CHAIRMAN  
THE ADMINISTRATOR OF THE GENERAL  
SERVICES ADMINISTRATION  
THE DIRECTOR OF THE UNITED STATES  
INFORMATION AGENCY  
THE POSTMASTER GENERAL

Honorable James T. Lynn  
Director  
Office of Management and Budget  
Washington, D. C. 20503

Ref: 40

Attention: Mr. James M. Frey  
Assistant Director for Legislative Reference

Dear Mr. Lynn:

This is in response to your request of October 5, 1976, for views on S.865, which would amend the Public Buildings Act of 1959 to preserve buildings of historical or architectural significance through their use for Federal public building purposes, and also would amend the Act of August 12, 1968, relating to accessibility of publicly funded buildings to physically handicapped persons. We are limiting our recommendations to Title II.

Title II of the proposed legislation would amend the Architectural Barrier Act of 1968, Public Law 90-480, by substituting certain mandatory language for existing permissive language. It gives the Federal agencies named as administrators of the Act a clear statutory mandate to prescribe design standards for the construction and alteration of buildings and facilities within their respective jurisdictions: the Administrator of General Services, the Secretary of Housing and Urban Development, the Secretary of Defense, and -- newly added by this proposed legislation -- the United States Postal Service.

The amendments would broaden the scope of the definition of "building" in the Act to include all privately owned buildings leased to the Government, including those buildings leased for public housing purposes.

The four administrators of the Act, mentioned above, are mandated to establish a system of continuing surveys and investigations to insure compliance with standards which have been prescribed to insure accessibility.

Honorable James T. Lynn  
Page 2

The Amendments require that the Administrator of General Services must report to Congress during the first week of January of each year on his activities and those of other Federal Government components, including a report of any waivers issued during the preceding year.

The bill would give the Architectural and Transportation Barriers Compliance Board the new responsibility to report to the Public Works and Transportation Committee of the House of Representatives and the Public Works Committee of the Senate each year on its activities and actions to insure compliance with the standards prescribed under the Act.

We have no reservations about recommending Presidential approval of this bill.

Sincerely,

A handwritten signature in cursive script, reading "Harold Russell". The signature is written in dark ink and is positioned above the printed name and title.

Harold Russell  
Chairman

cc: Richard H. Crone  
Office of Solicitor, DOL

EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY  
722 JACKSON PLACE, N. W.  
WASHINGTON, D. C. 20006

OCT 12 1976

MEMORANDUM FOR JAMES M. FREY  
OFFICE OF MANAGEMENT AND BUDGET

ATTN: Ms. Ramsey

SUBJECT: Enrolled Bill, S. 865

The Council on Environmental Quality has reviewed the enrolled bill S. 865, entitled the "Public Buildings Cooperative Use Act of 1976."

The Council has supported this legislation in letters (attached) from Chairman Peterson to the Chairmen of the Subcommittees on Public Buildings and Grounds of the Senate and House of Representatives.


The bill calls on the Administrator of the General Services Administration "to acquire and utilize space in suitable buildings of historic, architectural, or cultural significance, unless use of such space would not prove feasible and prudent compared with available alternatives." In our view this legislation rightly encourages the Federal government to take a leadership role in conservation and enhancement of important cultural and historic resources, as is also called for in the National Environmental Policy Act.

It has become apparent that where fine architecture rich in design and memory has been adapted for new use in communities across the country, not only are resources, energy, and costs conserved but these communities take new pride in their history and cultural assets and find that the old can remain comfortably and compatibly with new construction.

The Act calls for improving spaces in and around public buildings to permit convenient and inviting pedestrian access; it encourages the location of commercial, cultural, educational and recreational facilities and activities within public buildings; and it encourages the use of public buildings for cultural, educational and recreational activities. This legislation which permits mixed use in public buildings will encourage creative use of available space in ways that can well serve the needs and vitality of the surrounding community as well as the needs of the federal establishment. Furthermore, it will avoid the waste and often unsafe condition of single purpose structures left empty and desolate after working hours.

S. 865 provides a sound basis for the Federal government to take the initiative in providing suitable and handsome space for its activities at reasonable costs while contributing to the vitality and strength of our communities by encouraging the conservation and enhancement of existing cultural assets and the creation of new ones.

We fully concur with the provisions of the bill and strongly recommend that it be signed into law.

  
Gary Widman  
General Counsel

Attachments

EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY  
722 JACKSON PLACE, N. W.  
WASHINGTON, D. C. 20005

September 27, 1976

Dear Mr. Ginn:

It is a pleasure to submit for the record these comments on H.R. 15134, A Bill to Amend the Public Buildings Act of 1959 in order to preserve buildings of historical or architectural significance through their use for Federal public building purposes, and to amend the Act of August 12, 1968, relating to the accessibility of certain buildings to the physically handicapped.

As pointed out in numerous publications of the Council on Environmental Quality, public works investments are major determinants of land use patterns. It has been well recognized that Federal investments and support in housing, transportation, sewers, defense facilities, energy development, parks, health centers and educational facilities are important influences on city form and function. It is also clear that the location and design of Federal office buildings, courthouses, veterans hospitals, and other structures in cities, an investment of around 80 billion dollars, can have important effects on the surrounding environment.

Each year about a billion dollars is spent to construct or rehabilitate Federal buildings around the country. Title I of H.R. 15134 recognizes the substantial impact of such an investment by the Federal government. This Title encourages the positive contributions that Federal structures can make to their surrounding environment. It places emphasis on making use of existing buildings, especially those of historic, architectural or cultural significance, both by encouraging their retention and rehabilitation when already in Federal hands, and by encouraging their purchase or lease to meet Federal space needs. In addition, the legislation encourages the location of commercial, cultural, educational, and recreational facilities and activities within or near public buildings in ways that add to urban vitality and encourage use of federal buildings outside of regular working hours. It would encourage public access and pedestrian traffic to and through public buildings and would permit cooperative improvements to and uses of areas between the building and the street, so that such activities complement and supplement commercial, cultural, educational, and recreational resources in the surrounding neighborhood.

Clearly the Federal government has a responsibility to assure that its actions contribute to humane and enriching public purposes -- particularly when to do so also conserves energy, natural resources, space, and costs. We would not recommend that our cities become museums of the past; however, the past's fine architecture and serviceable structures preserved and complemented by creative and compatible new construction, where appropriate, can contribute to an environment rich in diversity, memory, activity and design.

There are notable precedents for adaptive use of historic buildings right here in Washington. Across the street from the White House, Lafayette Square Park is edged on two sides with red brick row houses in scale with the Park, the White House and the 18th Century St. John's Church nearby. Some twenty years ago, when more courtrooms and office space were found necessary, the houses were to be torn down and replaced with large buildings out of scale with their surroundings. Fortunately, because of Presidential concern, there was a stay of execution and the houses were remodeled into handsome offices. As one of the tenants in those townhouses, I think it is the most civilized Federal space in town. Further office needs were satisfied by adding a new building of related materials and detail behind the old townhouses. The buildings were linked by a tree shaded courtyard which enhanced the design of the structures and welcomed pedestrian passage.

Also in Washington the Old Executive Office Building was saved from the bulldozer and stands today as graceful and useful space next door to the White House. Across the street, the Renwick Museum has been restored and put to public use, and the Old Post Office has been cleaned in recognition of its handsome architecture and as a first step towards adapting it for use as Federal office space and for other uses. In other cities, CSA has restored and put to good use older court houses and Federal buildings. In San Francisco, the Old Mint, abandoned and cobwebbed, was restored with care by the U.S. Treasury Department to become a museum of coins and of San Francisco's lively and grand past.

Too often in the past, however, in the interest of consolidating Federal office space in cities by putting all agencies, related or not, under one roof, the possibility of using a mix of older buildings or old and new structures in close proximity to each other has not been sufficiently considered. Sound, older buildings have been torn down or viable sections of the community disrupted to make way for large new Federal office buildings, often incompatible with their surroundings and without architectural distinction. Bulky in scale, often

set off from active city life, the Federal office building is cut off from the community at large and is locked and empty at the end of the working day -- a lonely and isolated spot.

There is an important and growing effort on the part of states, cities and private groups to save and use fine older architecture well located in the heart of town for office space. In St. Louis, the 9-story Wainwright Building, built in 1890-91 by Dankmar Adler and Louis H. Sullivan, and famed for its brick/terra cotta facade, was saved from demolition when the State of Missouri decided to restore the building as part of a state office building complex. The New York State Bar Center at Albany has incorporated the brick facades of three 19th century row houses into its new limestone headquarters.

Local governments have also begun to act. In Seattle, the City is using some of the old turn of the century granite buildings in and around the restored Pioneer Square for city offices, thus contributing to the restoration, stability and liveliness of that area. The Old City Hall in Boston has been modernized into elegant private offices, a bank and a restaurant. All over the country where old buildings have been renewed life around them has also been renewed and a pedestrian scale and diversity that gives the city a special character and excitement has been restored. My frank opinion is that if our older cities are saved, they will be saved more by this kind of thoughtful use of existing resources than by demolition and sweeping changes.

In addition to encouraging the Federal Government to contribute to architectural and historic preservation, H.R. 15134 calls for improving the spaces in and around the public buildings. This is to be done using designs that encourage pedestrians to move freely in, around and through buildings, and by providing courtyards, restaurants, food stores, shops, banks, theaters, lecture halls, meeting rooms and recreation facilities, not only for those who work in the building but for the convenience and enrichment of the general public, who after all pay the bill for the construction and maintenance of these structures. I might add that there is also no reason why these structures and older buildings cannot be adapted to be accessible to the handicapped, whether employees or visitors, as called for in Title II of the proposed legislation.

Mixed use in office buildings is not a new idea, but it is an idea that requires the support of this legislation to encourage its widespread application in Federal buildings. In Canada and Sweden, the national governments have taken steps to include a variety of activities in their government buildings. In Nashville, Tennessee, the first five floors of a state office building will house separate music and drama theaters, a multi-purpose rehearsal studio and a state museum -- all open to the public. Above will be ten stories of offices for state agencies. This multi-use building will not only be economical to construct and maintain but it will tend to keep people in the currently under utilized downtown area after working hours. I believe the Federal Government can do much to encourage the same sense of vitality by allowing a variety of uses in its own buildings. The legislation before you today would be a great help in starting us toward that goal.

In closing, we support H.R. 15134 and urge that it be enacted into law. The Office of Management and Budget has advised us that it has no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,



Russell W. Peterson  
Chairman

Honorable Ronald Ginn  
Chairman, Subcommittee on Public  
Buildings and Grounds  
Committee on Public Works and  
Transportation  
U.S. House of Representatives  
2165 Rayburn Building  
Washington, D.C. 20510



EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY  
722 JACKSON PLACE, N. W.  
WASHINGTON, D. C. 20006

JUN 13 1976

Dear Senator Morgan:

It is my pleasure to submit for the record these comments on S. 865, the "Public Buildings Cooperative Use Act of 1975." As Chairman of the Council on Environmental Quality, I am reminded daily of the enormous impact Federal actions can have on the man made environment. Federal investments and support in housing, transportation, sewers, defense facilities, energy development, parks, health centers and educational facilities exert an important influence on the form and function of the cities we live in. It is also clear that the location and design of Federal office buildings, courthouses, veterans hospitals, and other structures in cities, an investment of 83 billion dollars, can have important effects on the surrounding environment.

Each year about a billion dollars is spent to construct new Federal buildings across this country and about half that much is spent to lease property for Federal use. With so much money being spent on some 2.5 billion square feet of office space, it makes good sense to examine the impact of the investment.

In this regard, S. 865 appears to be a very useful piece of legislation. It recognizes and encourages the positive contributions that Federal buildings can make to their surrounding environment. It places special emphasis on making use of existing buildings of historic or architectural significance, both by encouraging their retention and

rehabilitation when already in Federal hands, and by encouraging their purchase or lease to meet Federal space needs. In addition, S. 865 encourages the location of commercial, cultural, educational, and recreational facilities and activities within or near public buildings in ways that add to urban vitality and encourage use both during and outside of regular hours.

The Federal Government has a responsibility to assure that its actions contribute to humane and enriching public purposes -- particularly when to do so also conserves energy, natural resources and costs. While we would not recommend that our cities become museums of the past, the past's fine architecture preserved and complemented by creative and compatible new construction, where appropriate, can contribute to an environment which is diverse and rich in memory, activity, and design.

There is a precedent for adaptive use of historic buildings by the Federal Government right here in Washington. Across the street from the White House, Lafayette Square Park is edged on two sides with red brick row houses in scale with the Park, the White House and the 18th Century St. John's Church nearby. Some twenty years ago when more courtrooms and office space were found necessary, the houses were to be torn down and replaced with large and unwelcoming buildings. Fortunately, because of Presidential concern, there was a stay of execution and the houses were remodeled into handsome offices. As one of the tenants in those townhouses, I think it is the most civilized Federal space in town. Ample new buildings of related materials and detail were added behind the old ones connected by planted courtyards, and the space needs were satisfied by retaining the old and blending the new.

Also in Washington the Old Executive Office Building was saved from the bulldozer and stands today as graceful and useful space next door to the White House. Across the street, the Renwick Museum has been restored and put to public use, and the Federal Home Loan Bank Board Building is under

construction, carefully designed to include mixed uses which serve the surrounding area. In other cities, GSA has restored and put to good use older court houses and Federal buildings. In San Francisco, the Old Mint, abandoned and cobwebbed, was restored with care by the U.S. Treasury Department to become a museum of coins and of San Francisco's lively and grand past.

Too often in the past, however, there has been an attempt to centralize Federal office space in cities by putting all agencies, related or not, under one roof in a new building of little architectural distinction. Visually the building has been set off from the others around it and is locked up and left at the end of the day. S. 865 gives us the tools and the mandate to change this picture.

There is an important and growing effort on the part of states, cities and private groups to save and use fine older architecture for office space. This month's Fortune magazine has an excellent article with photos on how to recycle buildings for office space. But perhaps the most relevant example comes from the State of Missouri. In St. Louis, the 9-story Wainwright Building, built in 1890-91 by Dankmar Adler and Louis H. Sullivan, and famed for its brick/terra cotta facade, was saved from demolition when the State of Missouri decided to restore the building as part of a state office building complex.

Local governments have also begun to act. In Seattle, the City is using some of the old turn of the century granite buildings in and around the restored Pioneer Square for city offices, thus contributing to the restoration, stability and liveliness of that area. The old City Hall in Boston has been modernized into beautiful and elegant private offices. All over the country where old buildings have been renewed, life around them has also been renewed and a pedestrian scale and diversity that gives the city a special character and excitement has been restored. My frank opinion is that if our older cities are saved, they will be saved more by this kind of thoughtful use of existing resources than by demolition and sweeping changes.

S. 865 not only recognizes the opportunity the Federal Government has to contribute to architectural and historic preservation; another section of the bill calls for enriching the spaces in and around the public buildings by a design that encourages pedestrians to move freely in, around and through the buildings, by providing courtyards, restaurants, food stores, shops, banks, theaters, lecture halls, meeting rooms and recreation facilities, not only for those who work in the building but for the convenience and enrichment of the general public, who after all pay the bill for the construction and maintenance of these structures. I might add there is also no reason why these functions and older buildings cannot be adapted to be accessible to the handicapped, whether employees or visitors.

Mixed use in office buildings is not a new idea, but it is an idea that requires the support of this legislation to encourage its widespread application in Federal buildings. In Canada and Sweden, the national governments have taken steps to include a variety of activities in their government buildings. In Nashville, Tennessee, the first five floors of a state office building now under construction will house separate music and drama theaters, a multi-purpose rehearsal studio and a state museum -- all open to the public. Above will be ten stories of offices for state agencies. This multi-use building will not only be economical to construct and maintain but it will tend to keep people in the currently under utilized downtown area after working hours. I believe the Federal Government can do much to engender the same sense of vitality by allowing a variety of uses in its own buildings. The legislation before you today would be a great help in starting us toward that goal.

With respect to the specific language of S. 865, we have two suggested changes which we believe the Committee should consider:

First, Section 2 of the bill should be revised to apply to leased space as well as purchased or federally constructed space. This would increase considerably the opportunity for adaptive use of older structures in cities.

Second, we believe the bill should encourage the consideration of alternatives using more than one older building or a mix of old and new, especially where the buildings are in close proximity. It should not be necessary to limit the survey to only buildings that can accommodate the entire Federal establishment in the city. Often creative use of groups of smaller buildings can accomplish the same purpose of consolidating agencies from scattered offices to a central location.

In closing, we support S. 865 and urge that it be enacted into law. The Office of Management and Budget has advised us that it has no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

(Sgd) Russ Peterson

Russell W. Peterson  
Chairman

Honorable Robert Morgan  
Chairman, Subcommittee on Buildings  
and Grounds  
United States Senate  
Washington, D. C. 20510



LAW DEPARTMENT  
Washington, DC 20260

October 6, 1976

Mr. James M. Frey  
Assistant Director  
Legislative Reference  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Frey:

This responds to your request for the views of the Postal Service with respect to the enrolled bill:

S. 865, "To amend the Public Buildings Act of 1959 in order to preserve buildings of historical or architectural significance through their use for Federal public building purposes, and to amend the Act of August 12, 1968, relating to the accessibility of certain buildings to the physically handicapped."

1. Purpose of Legislation as it affects the Postal Service. The part of this bill that affects the Postal Service is title II, which proposes several amendments to the Act of August 12, 1968 (the "Architectural Barriers Act"), 42 U.S.C. 4151-4156. One set of amendments would apply the Act to the Postal Service. (A conforming amendment to 39 U.S.C. §410(b) would also be made.) The bill would also expand the general coverage of the Act to include buildings leased by the Government.
2. Position of the Postal Service. The Postal Service is already bound by legal requirements with respect to ready access to its facilities similar to those in the Architectural Barriers Act. 39 U.S.C. 101(g), 403(b)(3), 1003(b). We believe that we have implemented these requirements with technical standards that are at least as favorable--and in many cases more favorable--to the

handicapped than are the standards used by other agencies to implement the general language of the Architectural Barriers Act. For that reason, we see no need to apply the Architectural Barriers Act to the Postal Service; but by the same token, we have no objection to such a proposal. However, we have taken the position that the bill's proposal to extend the coverage of the Act (as applied to all agencies) to cover leased buildings, regardless of such variables as the length of term of the lease, is unnecessarily inflexible and gives insufficient attention to the need for economy. Structural modifications of existing buildings usually are comparatively expensive and may redound principally to the benefit of the private lessor rather than the government lessee or the general public. Still, we have not considered this objection to be overriding enough to warrant opposition to enactment of the entire package.

3. Timing.

We have no recommendation with respect to timing of the President's action on the bill.

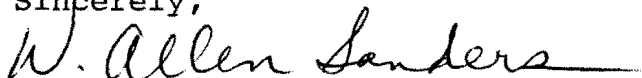
4. Cost or Savings.

The proposal to extend the coverage of the Architectural Barriers Act to include leased buildings probably will make some leases more expensive. However, we do not have specific cost estimates with respect to the likely impact.

5. Recommendation for Presidential Action.

Considering the entire bill, the Postal Service does not interpose objection to the approval of this legislation by the President.

Sincerely,



W. Allen Sanders  
Assistant General Counsel  
Legislative Division



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OCT 7 1976

The Honorable James T. Lynn  
Director, Office of Management  
and Budget  
Washington, D. C. 20503

Dear Mr. Lynn:

This is in response to your request for a report on S. 865, an enrolled bill "To amend the Public Buildings Act of 1959 in order to preserve buildings of historical or architectural significance through their use for Federal public building purposes, and to amend the Act of August 12, 1968, relating to the accessibility of certain buildings to the physically handicapped."

In short, we have no objection to enactment of title II of the enrolled bill, but, regarding the desirability of the enrolled bill as whole, we defer to the General Services Administration.

The General Services Administration would be responsible for the administration of title I of the enrolled bill, and we have no comment to make on this title.

Title II of the enrolled bill would make several amendments to the Act entitled "An Act to insure that certain buildings financed with federal funds are so designed and constructed as to be accessible to the physically handicapped", which was approved on August 12, 1968. We have enclosed, for your information, a detailed summary of each section of title II of the enrolled bill.

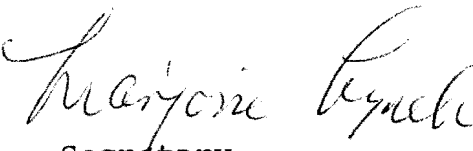
Briefly stated, title II of the enrolled bill is apparently intended to strengthen the enforcement of the Act of August 12, 1968, in order to improve the accessibility of buildings to the physically handicapped. The Department strongly supports the objective of maximizing accessibility



of all buildings to handicapped individuals, and we believe that the amendments contained in title II of S. 865 would likely improve the effectiveness of the 1968 legislation in achieving this goal. However, regarding each of the specific amendments contained in title II, we defer to the agency more directly involved.

We therefore have no objection to enactment of the enrolled bill.

Sincerely,

  
Under Secretary

Enclosure

## SUMMARY OF TITLE II OF S. 865

Section 201 of the enrolled bill would make several amendments to the Act entitled "An Act to insure that certain buildings financed with federal funds are so designed and constructed as to be accessible to the physically handicapped", (hereinafter referred to as the "Act") approved August 12, 1968 (42 U.S.C. 4151-4156).

Section 201(1) of the enrolled bill would amend the Act to include within its provisions structures leased by the Federal Government for subsidized housing and all buildings leased in whole or in part by the Federal Government after the date of enactment of the Act (August 12, 1968). Currently the Act excludes from its terms privately owned residential structures and buildings leased in whole or in part by the Federal government if not constructed or altered in accordance with the plans and specifications of an agency of the United States.

Section 201(2) of the enrolled bill would amend the Act to require the Administrator of the General Services Administration (GSA) to prescribe, in consultation with the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary"), standards for buildings constructed with Federal assistance. Currently, the Administrator is merely authorized to prescribe such standards. Section 201(2) would also exclude from the jurisdiction of GSA buildings of the United States Postal Service.

Section 201(3) of the enrolled bill would amend the Act to require the Secretary of Housing and Urban Development, in consultation with the Secretary, to prescribe standards to insure, whenever possible, that residential structures subject to this Act will be readily accessible to handicapped persons. Currently, the Secretary of Housing and Urban Development is merely authorized to prescribe such standards.

Section 201(4) of the enrolled bill would amend that Act to require the Secretary of Defense, in consultation with the Secretary, to prescribe standards for its buildings, structures, and facilities to insure that they will be accessible to handicapped persons. Currently, the Secretary of Defense is merely authorized to prescribe such standards.

Section 201(5) of the enrolled bill would add a new section to the Act. The new section would require the United States Postal Service, in consultation with the Secretary of Health, Education, and Welfare, to prescribe standards for the design, construction, and alteration of its buildings to insure whenever possible that physically handicapped persons will have ready access to, and use of, such buildings.

Section 201(6) of the enrolled bill would make a conforming change in the Act pertaining to waivers and modifications of standards on a case-by-case basis. This section of the enrolled bill would also require the Administrator of General Services to establish a system of continuing surveys and investigations to insure compliance with the standards. Currently, the Act provides the Administrator with greater discretion to determine when such surveys and investigations may be appropriate.

Section 201(7) of the enrolled bill would add another new section to the Act. That section would require the Administrator of General Services to report annually to the Congress on his activities and the activities of other departments undertaken pursuant to the Act. This section of the enrolled bill would also require an additional annual report by the Architectural and Transportation Barriers Compliance Board.

Section 202 of the enrolled bill would provide that the amendment made by the enrolled bill would apply to leases entered into after January 1, 1977.

Section 203 of the enrolled bill would make a conforming change to title 39 of the United States Code.

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

OCT 14 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 865 - Use of public buildings  
Sponsors - Sen. Buckley (R) New York and 3 others

Last Day for Action

October 19, 1976 - Tuesday

Purpose

Promotes the preservation and public use of buildings of historical, cultural or architectural significance, and provides for greater accessibility of Federal buildings to the physically handicapped.

Agency Recommendations

Office of Management and Budget

Approval

General Services Administration

Approval (Informally)

National Endowment for the Arts

Approval

Department of the Interior

Approval

The President's Committee on

Employment of the Handicapped

Approval

Council on Environmental Quality

Approval

Architectural and Transportation

Barriers Compliance Board

Approval (Title II  
only) (Informally)

Department of Housing and Urban

Development

No objection (Informally)

United States Postal Service

No objection

Department of Health, Education,  
and Welfare

No objection

THE WHITE HOUSE

TION MEMORANDUM

WASHINGTON

LOG NO.:

9

Date: October 15

Time: 1230pm

FOR ACTION: Lynn May  
Sarah Massengale  
Max Friedersdorf  
Bobbie Kilberg

cc (for information): Jack Marsh  
Steve McConahey  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 16

Time: noon

SUBJECT:

S.865-Use of public buildings

ACTION REQUESTED:

☐ For Necessary Action

☐ For Your Recommendations

☐ Prepare Agenda and Brief

☐ Draft Reply

☒ For Your Comments

☐ Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Recommend approval,

B. Roth  
10/15/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon  
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 15

Time: 1230pm

FOR ACTION: Lynn May  
Sarah Massengale  
Max Friedersdorf  
Bobbie Kilberg

cc (for information): Jack Marsh  
Steve McConahey  
Ed Schmults

*m.f.*

FROM THE STAFF SECRETARY

DUE: Date: October 16

Time: noon

SUBJECT:

S.865-Use of public buildings

ACTION REQUESTED:

☐ For Necessary Action

☐ For Your Recommendations

☐ Prepare Agenda and Brief

☐ Draft Reply

☒ For Your Comments

☐ Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*Sign*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon  
For the President

## PUBLIC BUILDINGS COOPERATIVE USE ACT OF 1975

JULY 31, 1975.—Ordered to be printed

Mr. BUCKLEY, from the Committee on Public Works,  
submitted the following

### REPORT

[To accompany S. 865]

The Committee on Public Works, to which was referred the bill (S. 865), to promote more efficient use of the Nation's resources, to foster the preservation of buildings of historic, architectural, or cultural significance, and to enhance the social and economic environment within and surrounding Federal office buildings, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

#### PURPOSE

The purpose of S. 865, as reported, is to broaden the policy of the Federal Government in the acquisition and use of public office buildings. The bill encourage the purchase of older buildings and their "recycling" into new office space for Federal agencies. S. 865 also provides for the multiple use of Federal buildings by allowing rental to commercial and other tenants of a limited amount of space in Federal office buildings.

#### BACKGROUND AND NEED FOR LEGISLATION

National policy in housing Federal offices is presently directed toward the development of new office buildings, often under the rationale that Federal agencies must be consolidated into one or two Federal buildings. While this practice may often prove wise and cost effective, it sometimes proves to be the wrong approach. Neighborhoods are disrupted when the bulldozers move in and the people move out. Nor is consolidation always wise; it is not necessarily a valuable public convenience to have the local Social Security office across the hall from the local Justice Department office.

This legislation seeks to provide greater flexibility in meeting office needs by insisting that the General Services Administration (GSA) consider the use of what is worthy in our past, preserving it, and enhancing it, rather than to raze it or to ignore it in favor of needless new construction.

The purchase of buildings of historic, architectural, or cultural significance and their transformation into new office space will save energy. The design of older buildings is generally less extravagant in the use of energy than modern glass designs. A renovation approach would eliminate the consumption of the energy needed to tear down and replace the older building. The General Service Administration testified that it is usually cheaper to refurbish than to replace. Renovation is more labor-intensive per dollar invested than new construction. And it is work that generally can be accomplished far more expeditiously than demolition and replacement. Possibly most significant, renovation projects would enhance some of the character of our national past, while fostering urban continuity.

In response to a question during the hearing, the witness for GSA stated:

If enacted, S. 865 would promote a more efficient use of our natural resources because the existing components, such as the steel and masonry materials, would be utilized to the greatest extent practicable. This, of course, would be in contrast with new construction which would involve the manufacture of new materials on the one hand, and eventual destruction of many of them in the older buildings on the other. The alteration project provides more jobs, per dollar cost, but normally varies from 1½ to 2 times in favor of alteration type work.

The American Institute of Architects testified that adaptive use can be undertaken, in many cases, at "one-third to one-half the cost of a new building providing comparable facilities."

A complementary need is to create Federal buildings that are more inviting and accessible to the public. As the Nation utilizes its past in this Bicentennial era, it must also seek to add vitality to existing and future Federal offices. This will benefit employees and visitors alike. Federal employees often are found working within an architectural island. There is no place to eat, except in a building cafeteria. There is no place to shop, except possibly at a cigar stand. And the general public—the people who paid for the building—have every reason to shun the building, with its foreboding walls, except when forced there to do business with the Federal Government. A recent report to the National Endowment for the Arts stated the basic problem:

The very term "public building" has become a contradiction: no one in his right mind now goes into a public building except on business.

This legislation, by allowing the rental of space for shops and restaurants on the major pedestrian access levels of Federal buildings, should encourage public visits to these buildings, serve the employees of the building and those who must visit them on business, and provide greater pedestrian traffic for greater public safety. This will enhance

the social, cultural, and economic environment in and near Federal office buildings.

The opening of our Federal buildings by encouraging public use is a desirable goal. This legislation grants the General Service Administration the authority to lease space in Federal office buildings for "commercial, cultural, educational, or recreational" uses.

Broadened usage could also provide a substantial economy to the taxpayers. The most valuable space in most office buildings is the space on the access level. Instead of devoting this prime space to rows and rows of desks and files, the bill would make it available at appropriate commercial rates.

## HEARINGS

The Subcommittee on Buildings and Grounds conducted a hearing on S. 865 on May 19, 1975. Testimony was heard from individuals representing the General Services Administration, the National Endowment for the Arts, the National Trust for Historic Preservation, the Advisory Council on Historic Preservation, the American Institute of Architects, and a panel of architects. Every witness urged enactment of this legislation.

## PROVISIONS OF LEGISLATION

The reported bill broadens the options available to the Federal Government in meeting its need for office space, and, at the same stroke, to make Federal office buildings more inviting to the public.

It is legislation that will enhance the environment of our cities while saving money. It is legislation that will conserve energy and natural resources while producing new jobs.

One of the most effective roles the Federal Government can play in our cities is that of catalyst. What better way exists to rejuvenate an area than to convert what is old and usable into something new and vital?

The bill directs that the General Services Administration notify the Advisory Council on Historic Preservation whenever GSA identifies a need for additional public office space in a particular city. The Council, through its State historical preservation officers and in cooperation with other groups such as the National Trust for Historic Preservation, will then survey the metropolitan area for structures that have character and could be acquired for refurbishing. It is anticipated that this inventory can be achieved in 60 days.

This must not be an effort to select one or two isolated historic buildings for renovation. The General Services Administration can find opportunities for renovation in many older, rundown office buildings, warehouses, railway stations, and theaters. The purpose would not be to preserve the interior as originally constructed, but to convert the interior into modern offices, savings as much of the basic structure as proves to be wise.

The General Services Administration should work closely with the Advisory Council, the National Trust, and architecture groups in selecting the criteria for the types of structures to be canvassed. Once



the Advisory Council completes its canvas, it would be expected to file its recommendations with GSA. That Council might identify one building clearly meeting the Federal need. It may identify two or three structures that, in combination, fulfill the Federal space needs. Or it might recommend one or two buildings for conversion, recognizing that Federal construction of a new building was necessary for the balance of the needed space. In a few cases it might find no buildings that are suitable in that particular city.

GSA would then evaluate the Council's proposal within the context of engineering and cost, weighing the advantages against the disadvantages. When GSA agrees with the Advisory Council, or possibly identifies for recycling another building of similar character, this fact will become known and discussed in the prospectus. Should it reject the Council recommendation in whole or in part, GSA must discuss, in the resulting prospectus, the details of its rejection.

"Recycling" is not intended as a way to hold up new projects. GSA must not become bogged down by lengthy cost-benefit studies, or the need to examine every building urged on it by the public. But the GSA can learn much through the drill of considering what is available from our national past before consideration of the new-construction alternative. Such work, of course, should comply with applicable local and Federal requirements in the same manner as a new construction project.

GSA's criteria are now largely based on description of items, rather than performance. That is, these criteria prescribe dimensions, the type of materials, the engineering, etc., needed to achieve safety, comfort, and convenience, without specifying dimension or materials. GSA must not use the prescriptive nature of its criteria to disqualify older buildings when these same buildings might meet the more flexible performance standards.

The Committee recently approved two buildings for the Social Security Administration that were to be designed on a performance, rather than prescriptive, basis. GSA testified most eloquently on the need for such performance standards. GSA should take its preachments to heart and extend them to the consideration of recycling older buildings.

One source of such buildings might be older Federally owned buildings of high architectural quality that are being phased out of their present use, such as Post Offices. The use of railroad stations, such as Grand Central Station in New York City, might be reasonable.

Another opportunity exists in the conversion of the old Post Office in Washington, D.C., into modern office space, while preserving its impressive courtyard area. GSA should seek to achieve this renovation at any early date.

Much can also be achieved through the cooperative, mixed use of Federal office buildings. But cooperative use is a limited tool. It is not intended to make GSA the Nation's landlord. It will not work everywhere. It should only be tried where local governments agree. But it is an approach that, used in moderation, should have the ancillary benefit of enhancing employee morale and efficiency.

GSA also is given the flexibility to lease space or to cooperate in the use of space adjacent to any Federal office building for beneficial pur-

poses, such as for outdoor cafe or similar uses, when GSA has control of such space.

Rentals are allowed on the "major pedestrian access level." This phase is used because of the possible confusion over a term such as "ground floor." There may be instances when pedestrians obtain entrance to a building on two or more levels. In those cases, rental space on both levels may be appropriate. In such cases, of course, GSA must seek total rental space inside the building equivalent to the square footage available on any single floor.

Lease facilities, in many cases, cannot be expected to survive on the patronage of Federal employees. Provisions must be made for access by the public, which may dictate certain architectural considerations, such as allowing shops to be conspicuous so that they can attract customers from the street.

Tenants should be sought or encouraged so as to promote an attractive and interesting mix of commercial and other activities serving the community and not to maximize the revenue from rentals. Rentals should not be uniform, based on the highest economic use for the space, but should reflect the intended use of the space by the lessee and what rent such activities pay elsewhere in the community.

#### SECTION-BY-SECTION ANALYSIS

Section 2 of the bill is a general directive to the Administrator of the General Service Administration to acquire space for Federal offices in buildings of historic, architectural, or cultural significance, unless use of such space would not prove feasible and prudent compared with available alternatives. This directive, and one allowing mixed public-private use of Federal buildings, are intended to stimulate public use during and outside of regular Federal working hours. In making these decisions, the General Service Administration is directed to consult with the Governors, mayors, and other community leaders.

Section 3 of the bill adds two new paragraphs to the Public Buildings Act of 1959. One paragraph requires that the General Services Administration, in developing a prospectus for Federal office space, request the Advisory Council on Historic Preservation to identify existing buildings in the community that are of architectural, cultural, or historic interest and suitable for purchase to convert into Federal office space. The section requires that the General Services Administration, when submitting future buildings prospectuses in which it recommends new construction, explain the economic or other reasons why it is not acquiring existing space for renovation.

Section 4 amends the Federal Property and Administrative Services Act of 1949 to allow cooperative, or mixed, use of public buildings. This section allows the General Services Administration to lease space along the major pedestrian access level of any public building to persons or firms engaged in commercial, cultural, education, or recreational activities at a rate that is equivalent to the prevailing local commercial rate for space devoted to a similar purpose. While the leases can be made without competitive bid, they must be made to protect the public interest.

Any income from such leases is subject to in-lieu-of-tax payments by the Federal Government to the local government.

The General Services Administration is also required to give priority in the assigning of any space on the major pedestrian access level that is not leased out to those Federal activities requiring regular contact with members of the public. This should include Government Printing Office bookstores and information offices of Federal agencies.

Section 5 provides a number of redefinitions, including one for "commercial activities," which is defined to include restaurants, food stores, craft stores, dry goods stores, financial institutions, and display facilities. The definition for "recreational activities" includes day-care centers. This should be construed to include all types of child care facilities which could be appropriately used by workers in the building and families from the community. The care of children in such facilities shall meet applicable state and local standards and licensing requirements or, in the absence of such standards and requirements, the Federal standards for child care as established by the Secretary of Health, Education, and Welfare.

#### ROLLCALL VOTES

Section 133 of the Legislative Reorganization Act of 1970 and the rules of the Committee on Public Works require that any rollcall votes be announced in this report. During the committee's consideration of this bill, no rollcall votes were taken, and the bill was ordered reported by voice vote.

#### COST OF THE LEGISLATION

Section 252 (a) (1) of the Legislative Reorganization Act of 1970 requires publication in this report of the Committee's estimate of the cost of reported legislation, together with estimates prepared by any Federal agency. No costs will be involved beyond those normally attributable to routine Public Building construction projects, on a case basis to be determined by the Administrator, in accordance with the appropriate provisions of Public Law 92-313.

#### CHANGES IN EXISTING LAW

In the opinion of the Committee it is necessary to dispense with the requirements of subsection (4) of rule XXIX of the Standing Rules of the Senate in order to expedite the business of the Senate.

○

## PUBLIC BUILDINGS COOPERATIVE USE ACT OF 1976

SEPTEMBER 16, 1976.—Ordered to be printed

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

### REPORT

[To accompany H.R. 15134 which on August 10, 1976, was referred jointly to the Committee on Public Works and Transportation and the Committee on Government Operations]

The Committee on Public Works and Transportation, to whom was referred the bill (H.R. 15134) to amend the Public Buildings Act of 1959 in order to preserve buildings of historical or architectural significance through their use for Federal public building purposes, and to amend the Act of August 12, 1968, relating to the accessibility of certain buildings to the physically handicapped, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment strikes out all after the enacting clause and inserts a substitute text which appears in *italic type* in the reported bill.

#### PURPOSE OF THE BILL

Title I of H.R. 15134, as amended, gives a broader purpose to the duties of the Administrator of General Services in acquiring space necessary for accommodating Federal agencies. First, it authorizes and encourages the Administrator to acquire and utilize space in suitable buildings that have historical, architectural, or cultural significance. Second, it authorizes and encourages the Administrator to stimulate pedestrian traffic and community use of certain parts of public buildings by leasing or otherwise making available space for commercial, cultural, educational, and recreational activities.

Title II amends existing law to assure more effective implementation of the congressional policy to eliminate architectural barriers to physically handicapped persons in most Federally occupied or sponsored buildings.

#### EXPLANATION OF AMENDMENT

The committee amendment strikes everything after the enacting clause and inserts language in the nature of a substitute. It does not

change the basic purpose or thrust of the bill. The changes are for clarification and technical improvement. The principal changes made by the committee amendment are found in title I. They include:

(1) Elimination of the language (Section 102(a)(2) of the original bill) which would give preference to acquisition of space in any existing building. This could lead to a serious conflict with the congressional policy to encourage purchasing—rather than leasing—of Federal buildings as the more economical procedure.

(2) Assuring that in negotiating leases for cooperative use under the authority of the bill the Administrator follow procedures necessary to promote competition and protect the public interest.

(3) Elimination of a provision that would amend the Federal Property Act, which is under the jurisdiction of the House Government Operations Committee, to authorize the Administrator to pay sums in lieu of real property taxes to State and local governments on space leased to certain non-Federal persons, firms, or organizations. The House Government Operations Committee regards expenditures of funds to make payments in lieu of taxes as an extremely important question, from both a policy and an administrative standpoint.

The House Public Works and Transportation Committee concurs in the action taken by the House Government Operations Committee and has assurances that the House Government Operations Committee will study the proposal in the 95th Congress.

Changes made by the committee amendment to title II, relating to elimination of architectural barriers for the physically handicapped, are to clarify the application of the legislation to the U.S. Postal Service and to provide that the Postal Service consult with the Secretary of Health, Education, and Welfare with respect to design and construction standards.

#### GENERAL STATEMENT

Title I, cited as the "Public Buildings Cooperative Use Act of 1976", directs the Administrator of the General Services Administration to acquire space for Federal offices in buildings of historic, architectural, or cultural significance, unless use of such space would not prove feasible and prudent compared with available alternatives. The legislation directs the Administrator prior to undertaking a survey of public buildings needs of the Federal Government within a geographical area to request the Chairman of the Advisory Council on Historic Preservation to identify existing buildings in the community that are of architectural, cultural or historic interest and suitable for purchase to convert into Federal office space. The legislation further encourages the Administrator to lease space on pedestrian levels in Federal buildings to persons or firms engaged in commercial, cultural, educational or recreational activities in order to encourage the public use of public buildings. Lastly, it encourages the Administrator to make available, on occasion, auditoriums, meeting rooms, courtyards, rooftops and lobbies of public buildings for cultural, recreational, and educational activities.

Title II of H.R. 15134 amends the act of August 12, 1968, relating to the accessibility of certain buildings to the physically handicapped. The legislation would impose a clear statutory mandate that Federal agencies named in the Architectural Barriers Act insure that public buildings are made accessible to the physically handicapped. The legislation would include within the coverage of the act all Government-leased buildings and facilities intended for public use or in which the physically handicapped might be employed, all privately owned buildings leased to the Government for public housing, and the Postal Service. Agencies named in the act would be required to establish a system of continuing surveys and investigations to insure compliance with prescribed standards. In addition, the Architectural and Transportation Barriers Compliance Board established by section 502 of the Rehabilitation Act of 1973 shall report to the Public Works and Transportation Committee of the House of Representatives and the Public Works Committee of the Senate annually on its activities and actions to insure compliance with the standards prescribed under this act. Further, an annual report to Congress is required on GSA's activities and those of other departments, agencies, and instrumentalities of the Federal Government on standards issued, revised, amended, or repealed under this Act and all waivers of such standards granted.

#### HEARINGS

The Subcommittee on Public Buildings and Grounds of the House Committee on Public Works and Transportation, to which the bill was jointly referred, held hearings on title I of the bill August 25, 1976, and on title II of the bill on August 26, 1976.

Testifying on title I were: Representative Leonor K. Sullivan of Missouri, Administrator of General Services, Director, Buffalo and Erie County Historical Society, Chairman, National Endowment for the Arts, Chairman, Advisory Council on Historical Preservation, Associate Director for Professional Services, National Park Service, Executive Director, Pennsylvania Avenue Development Corporation, and Deputy Director, District of Columbia Municipal Planning Office.

Testifying on title II were: Representative Robert Edgar of Pennsylvania, Associate Director, Federal Personnel and Compensation Division, General Accounting Office, a representative of the National Easter Seal Society for Crippled Children and Adults, Deputy Assistant Secretary for Facilities, Engineering, and Property Management, Department of H.E.W., Chief of Construction Standards and Design, Department of Defense, General Manager, Property Management Division, Real Estate and Buildings Department, U.S. Postal Service, and A representative of the American Institute of Architects.

All witnesses at the above hearings indicated either approval of the legislation or lack of general objection.

#### THE BENEFITS OF MULTIPLE-USE

Multiple-use of Federal buildings and the attempt to preserve culturally significant buildings places the emphasis of the Federal Building Program on serving the total public interest. In the past, the

objective was simply to provide space for Federal agencies. Through the architectural preservation provisions of this bill, GSA would be able to help preserve the important architectural heritage of our culture. This act would make it possible for the Government to become a partner with the community in an attempt to meet public needs and goals—the very reason for any Government program.

In the past, Federal buildings have been viewed as cold, concrete edifices entered only by those who either worked there or who had business with the Government. Recent innovations in architectural style and design have helped to change this negative image somewhat. The concepts embodied in this bill would go further toward making Federal buildings and their occupants more a part of the community.

As the principal manager, builder, owner and lessor of Federal buildings in the United States, the General Services Administration has a commitment toward bettering the total environment of America's cities and towns. The Public Buildings Service is responsible for 10,000 Federally owned or leased buildings. It has 1,700 construction projects underway, a billion dollar annual budget, 22,000 employees and an inventory of 250 million square feet of building space across the country.

This bill would encourage where practical the renovation of older buildings so that they could be converted to useful Federal space. This would include consideration of preservation of historic buildings and areas for community-oriented, multi-purpose public buildings.

Cities have always had multiple-use planning. In many older neighborhoods apartments typically were built above stores that lined the street level. And recent examples of vertical mixing—that is some combination of retail, parking, office, recreational and residential use in a single structure—can be found in the Sears Tower and the John Hancock Center in Chicago, in the United Nations Plaza in Manhattan and in the Crystal City complex across the Potomac in Arlington. City planners have acclaimed these buildings for their potential in revitalizing core areas.

There are commercial operations such as gift shops, book stores, dry cleaners, florists, barbers, home furnishing stores, and so on, in many public buildings. These were established for minority entrepreneurs through the Small Business Administration's 8(a) programs and for handicapped persons as set forth in the Randolph-Shepard Act. These businesses primarily serve occupants of the building and when these workers go home at night it reinforces the image of a downtown which is lacking in vitality. The legislation would expand the commercial activity in Federal buildings, but GSA stated in hearings on this bill that preference would be given to enterprises operated by the handicapped.

There are many benefits to be gained from the multiple-use of Federal buildings—especially older, or seemingly obsolete, structures. For years we have assumed that we had limitless supplies of land, energy and money. Recent events have made it clear that this is no longer a valid assumption. The renovation and use of older buildings for the purposes stated in this legislation demonstrates the Government's commitment for better utilization of our nation's resources.

Since renovation also tends to be more labor oriented—per construction dollar—than new construction it could mean more jobs. A \$1 mil-

lion investment in repair and alteration work could produce up to three times as many new jobs as \$1 million in new construction activity. This comparison cannot be taken literally in all cases but it does illustrate that possibilities exist through this legislation for substantial and effective payoffs in worthwhile employment.

Other benefits that would accrue from this bill are many. It would: provide additional conveniences for Government employees; augment further the aims and intent of the Intergovernmental Cooperation Act; establish a viable partnership between the Federal government and various sectors of the community; create job and business opportunities for the local community; and relieve some of the burden borne by local communities in preserving older structures.

#### COST OF LEGISLATION

In accordance with rule XIII (7) of the rules of the House of Representatives the following information is furnished.

H.R. 15134, as reported, does not make specific appropriations for any fiscal year. There are new requirements in title I for the Administrator of General Services in regard to Federal office space which may result in savings to the United States. Amendments in title II would impose compliance for accessibility for the physically handicapped in Federal buildings. It is estimated by GSA that barrier free design would impose additional cost to a new building by one-half of 1 percent.

#### COMPLIANCE WITH CLAUSE 2(1) OF RULE XI OF THE RULES OF THE HOUSE OF REPRESENTATIVES

(1) With reference to clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, no separate hearings were held on title I of this legislation by the Subcommittee on Investigations and Review. However, the Subcommittee on Investigations and Review held separate hearings on the subject matter contained in title II of this legislation. The Subcommittee on Public Buildings and Grounds held hearings on H.R. 15134 which resulted in the reported bill.

(2) With respect to clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives the bill, as reported, does not provide new budget authority or increased tax expenditures. Accordingly, a statement pursuant to section 308(a) of the Congressional Budget Act is not required.

(3) With reference to clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the committee has not received a report from the Committee on Government Operations pertaining to this subject matter.

(4) With reference to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee makes the following statement in regard to the inflationary impact of the reported bill:

The enactment of this legislation will have no inflationary impact of the prices and costs in the operation of the national economy.

## VOTE

The Committee ordered the bill reported by voice vote.

## SECTION-BY-SECTION ANALYSIS

## TITLE I

*Section 101—Short Title*

This act is cited as the "Public Buildings Cooperative Use Act of 1976".

*Section 102—Objectives of the Act*

(a) This subsection establishes four additional policies for the Administrator in the acquisition and management of space for use by Federal agencies.

(1) The Administrator shall acquire and utilize suitable buildings of historical, architectural, or cultural significance wherever in comparison with alternatives available to him use of such space would not prove infeasible or imprudent.

(2) The Administrator shall encourage the location of commercial, cultural, educational, and recreational facilities and activities within public buildings.

(3) The Administrator shall provide and maintain, wherever practicable space and facilities for activities which encourage public pedestrian traffic around and through public buildings so that such activities complement and supplement the existing commercial, cultural, educational, and recreational resources in the neighborhood of such buildings.

(4) Finally, the Administrator shall encourage the use of certain areas of public buildings for cultural, educational, and recreational activities.

(b) This subsection establishes a procedure for the Administrator to follow in the implementation of policies enumerated in subsection (a). The Administrator is directed to consult with governors, area-wide agencies concerned with economic development and regional planning, and established pursuant to 42 U.S.C. 3331, and 42 U.S.C. 4231, and the chief executive officers of local governments served by existing or planned public buildings, and to solicit comments from other interested parties.

*Section 104—Amendments to the Federal Property and Administrative Services Act of 1949*

(a) This subsection adds four new paragraphs to section 210(a) of the Federal Property and Administrative Services Act of 1949, which section authorizes the administrator of General Services to undertake specified activities relating to public buildings for which the Administrator has been given operational authority. The first new paragraph ((16)), authorizes the Administrator to lease space on major pedestrian levels, courtyards and rooftops of public buildings to persons, firms, or organizations which engage in commercial, cultural, educational, or recreational activities. The Administrator shall set a rental rate for such leases which is equivalent to the prevailing commercial

rate for comparable space devoted to a similar purpose in the vicinity. Though these leases must be negotiated, the Administrator is required to set up procedures for negotiation which will promote competition and protect the public interest. The second new paragraph ((17)), authorizes the Administrator to make available, on occasion, or to lease, auditoriums, meeting rooms, courtyards, rooftops, and lobbies of public buildings to persons, firms, or organizations engaged in cultural, educational, or recreational activities. Such activities may not disrupt the normal operation within the public building. The Administrator is authorized to set for these leases rates and other conditions which he deems to be in the public interest. The third paragraph ((18)), authorizes the Administrator to deposit sums received from leases and rentals authorized in the preceding two paragraphs into the Public Building Fund, to be credited to the appropriation made for the fund and applicable to the operation of such building. The fourth paragraph ((19)), authorizes the Administrator to furnish utilities, maintenance, repair, and other services, during or outside regular working hours, to persons, firms or organizations leasing space authorized under the first two new paragraphs.

*Section 103—Amendments to the Public Buildings Act of 1959*

(1) This subsection amends section 7(a)(3) of the Public Buildings Act of 1959 by adding new language which directs the Administrator of the General Services Administration to include in prospectuses for Federal space a description of existing buildings that enhance the architectural, historical, social, cultural and economic environment of the locality.

(2) A new subsection 5 requires the Administrator to include a statement of the economic and other justifications for not acquiring or purchasing a building or buildings identified to the Administrator pursuant to section 12(c) of this act as suitable for the public building needs of the Federal Government.

(3) New section 12(c) directs that whenever the Administrator undertakes a survey of the public building needs of the Federal Government within a geographical area, he shall request that, within 60 days, the Advisory Council on Historic Preservation established by title II of the Act of October 15, 1966 (16 U.S.C. 470i), identify any existing buildings within such geographical area that (1) are of historic, architectural, or cultural significance (as defined in section 105 of the Public Buildings Cooperative Use Act of 1976) and (2) would be suitable, whether or not in need of repair, alteration, or addition, for acquisition or purchase to meet the public buildings needs for the Federal Government.

(b) This subsection amends Section 210(e) of the Federal Property and Administrative Services Act of 1949 by adding new language which directs the Administrator to give priority in the assignment of any space on any major pedestrian access level not leased under the terms of the first two new paragraphs added to section 210(a) as indicated above, to federal activities requiring regular contact with members of the public. Where this space is unavailable, the Administrator is directed to provide space with maximum ease of access to building entrances.



### Section 105—Definitions

(1) "Administrator" means the Administrator of General Services.

(2) "Public building" and "federal agency" are given the same meanings as designated in the Public Buildings Act of 1959.

(3) "Unit of general local government" is any city, county, town, parish, village, or other general purpose political subdivision of a state.

(4) The phrase "historical, architectural, or cultural significance", as applied to buildings, includes those listed or eligible to be listed on the National Register of Historic Places. Although it is not intended that the National Register list be exclusive, the Administrator, in performing his duties under this legislation, would be expected to consider carefully the competence and standing of other sources of recommendations or designations, and make his determinations accordingly.

(5) The term "commercial activities" includes, but is not limited to, the operations of restaurants, food stores, craft stores, dry goods stores, financial institutions, and display facilities.

(6) The term "cultural activities" includes, but is not limited to, film, dramatic, dance and musical presentations, and fine art exhibits, whether or not such activities are intended to make a profit.

(7) The term "educational activities" includes, but is not limited to, the operations of libraries, schools, day care centers, laboratories, and lecture and demonstration facilities.

(8) The term "recreational activities" includes, but is not limited to the operations of gymnasiums and related facilities.

### Section 201

Amends the act of August 12, 1968 (42 U.S.C. 4151-4156) to include within the provisions of the act structures leased by the government for subsidized housing, and includes all buildings leases in whole or in part by the Federal government after the date of enactment of this act.

(2) Amends section 2 of the act to require the Administrator of the General Services Administration to prescribe standards for Federal buildings (other than DOD and Postal Service building) to insure whenever possible that handicapped persons will have access to and use of such buildings.

(3) Amends section 3 to require the Secretary of the Housing and Urban Development to prescribe standards to insure whenever possible that residential structures subject to this act that handicapped persons will have ready access to and use of such buildings.

(4) Amends section 4 to require the Department of Defense to prescribe standards for buildings, structures and facilities subject to this act to insure whenever possible that handicapped persons have access to and use of such buildings.

(5) Adds a new subsection 4a to require the Postal Service to prescribe standards for its buildings to insure whenever possible that handicapped persons have access to and use of such buildings.

(6) Amends section 6 to add the Postal Service agencies may modify or waive on a case by case basis standards and amends subsection (2) to require a system of continuing surveys and investigations to insure compliance with such standards.

(7) Adds a new section 7 to require the Administrator of General Services in January of each year to report to Congress on his activities and those of other departments and agencies under this act on standards, issued, revised, amended, or repealed and all case by case modifications and waivers.

Section 7 also requires the Architectural and Transportation Barrier Compliance Board to report to the Committee on Public Works and Transportation of the House and the Committee on Public Works of the Senate in January of each year on its activities and actions to insure compliance with standards.

### Section 202

Provisions of this act shall apply to leases entered into after January 1, 1977.

### Section 203

Amends section 410(b) of the 39, U.S.C. to include the provisions of the act of August 12, 1968, to apply to the Postal Service.

### Section 204

This section provides that notwithstanding any other provision of law, no person who is eligible for assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 shall be denied such eligibility if he moved from facilities he was occupying due to his anticipation of General Services Administration Lease Project GS-03-B-5960 in Alexandria, Va.

### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

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 reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman) :

### PUBLIC BUILDINGS ACT OF 1959

\* \* \* \* \*

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 any public building or to acquire any building to be used as a public building involving an expenditure in excess of \$100,000, and no appropriation shall be made to alter any public building involving an expenditure in excess of \$200,000, 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 Congress a prospectus of the proposed project, 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 project, and an estimate of the maximum cost of the project;

(3) 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, *especially such of those buildings as enhance the architectural, historical, social, cultural, and economic environment of the locality*;

(4) 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]**

(5) *a statement by the Administrator of the economic and other justifications for not acquiring or purchasing a building or buildings identified to the Administrator pursuant to section 12(c) of this Act as suitable for the public building needs of the Federal Government; and*

**[(5)]** (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.

\* \* \* \* \*

SEC. 12. (a) \* \* \*

\* \* \* \* \*

(c) *Whenever the Administrator undertakes a survey of the public buildings needs of the Federal Government within a geographical area, he shall request that, within sixty days, the Advisory Council on Historic Preservation established by title II of the Act of October 15, 1966 (16 U.S.C. 470i), identify any existing buildings within such geographical area that (1) are of historic, architectural, or cultural significance (as defined in section 105 of the Public Buildings Cooperative Act of 1976) and (2) would be suitable, whether or not in need of repair, alteration, or addition, for acquisition or purchase to meet the public buildings needs of the Federal Government.*

**[(c)]** (d) 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)]** (e) 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 thirty or more projects the estimated maximum cost of each of which is in excess of \$100,000 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)]** (d) or appropriations are made which result in there being less than thirty such projects.

\* \* \* \* \*

## SECTION 210 OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

### OPERATION OF BUILDINGS AND RELATED ACTIVITIES

SEC. 210. (a) Whenever and to the extent that the Administrator has been or hereafter may be authorized by any provision of law other than this subsection to maintain, operate, and protect any building, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, demolition, furnishing, and equipment thereof, he is authorized in the discharge of the duties so conferred upon him—

(1) \* \* \*

\* \* \* \* \*

(14) to enter into contracts for periods not exceeding three years for the inspection, maintenance, and repair of fixed equipment in such buildings which are federally owned; **[and]**

(15) to render direct assistance to and perform special services for the Inaugural Committee (as defined in the Act of August 6, 1956, 70 Stat. 1049) during an inaugural period in connection with Presidential inaugural operations and functions, including employment of personal services without regard to the civil service and classification laws; provide Government-owned and leased space for personnel and parking; pay overtime to guard and custodial forces; erect and remove stands and platforms; provide and operate first-aid stations; provide furniture and equipment; and provide other incidental services in the discretion of the Administrator**[(.)]**;

(16) to enter into leases of space on major pedestrian access levels and courtyards and rooftops of any public building with persons, firms, or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 105 of the Public Buildings Cooperative Use Act of 1976). The Administrator shall establish a rental rate for such leased space equivalent to the prevailing commercial rate for comparable space devoted to a similar purpose in the vicinity of the public building. Such leases may be negotiated without competitive bids, but shall contain such terms and conditions and be negotiated pursuant to such procedures as the Administrator deems necessary to promote competition and to protect the public interest;

(17) to make available, on occasion, or to lease at such rates and on such other terms and conditions as the Administrator deems to be in the public interest, auditoriums, meeting rooms, courtyards, rooftops, and lobbies of public buildings to persons, firms, or organizations engaged in cultural, educational, or recreational activities (as defined in section 105 of the Public Buildings



Cooperative Use Act of 1976) that will not disrupt the operation of the building;

(18) to deposit into the fund established by subsection (f) of this section all sums received under leases or rentals executed pursuant to paragraphs (16) and (17) of this subsection, and each sum shall be credited to the appropriation made for such fund applicable to the operation of such building; and

(19) to furnish utilities, maintenance, repair, and other services to persons, firms, or organizations leasing space pursuant to paragraphs (16) and (17) of this subsection. Such services may be provided during and outside of regular working hours of Federal agencies.

\* \* \* \* \*

(e) Notwithstanding any other provision of law, the Administrator is authorized, in accordance with policies and directives prescribed by the President under section 205(a) and after consultation with the heads of the executive agencies affected, to assign and reassign space of all executive agencies in Government-owned and leased buildings in and outside the District of Columbia upon a determination by the Administrator that such assignment or reassignment is advantageous to the Government in terms of economy, efficiency, or national security. *The Administrator shall, where practicable, give priority in the assignment of space on any major pedestrian access level not leased under the terms of subsection (a)(16) or (a)(17) of this section in such buildings to Federal activities requiring regular contact with members of the public. To the extent such space is unavailable, the Administrator shall provide space with maximum ease of access to building entrances.*

\* \* \* \* \*

#### ACT OF AUGUST 12, 1968

AN ACT To insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, as used in this Act, the term "building" means any building or facility (other than (A) a privately owned residential structure not leased by the Government for subsidized housing programs and (B) any building or facility on a military installation designed and constructed primarily for use by able bodied military personnel) the intended use for which either will require that such building or facility be accessible to the public, or may result in the employment or residence therein of physically handicapped persons, which building or facility is—*

(1) to be constructed or altered by or on behalf of the United States;

(2) to be leased in whole or in part by the United States after the date of enactment of this Act [after construction or alteration in accordance with plans and specifications of the United States];

(3) to be financed in whole or in part by a grant or a loan made by the United States after the date of enactment of this Act if such building or facility is subject to standards for designs, construction, or alteration issued under authority of the law authorizing such grant or loan; or

(4) to be constructed under authority of the National Capital Transportation Act of 1960, the National Capital Transportation Act of 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact.

SEC. 2. The Administrator of General Services, in consultation with the Secretary of Health, Education, and Welfare, [is authorized to prescribe such] *shall prescribe* standards for the design, construction, and alteration of buildings (other than residential structures subject to this Act and buildings, structures, and facilities of the Department of Defense and of the United States Postal Service subject to this Act) [as may be necessary] to insure *whenever possible* that physically handicapped persons will have ready access to, and use of, such buildings.

SEC. 3. The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, [is authorized to prescribe such] *shall prescribe* standards for the design, construction, and alteration of buildings which are residential structures subject to this Act [as may be necessary] to insure *whenever possible* that physically handicapped persons will have ready access to, and use of, such buildings.

SEC. 4. The Secretary of Defense, in consultation with the Secretary of Health, Education, and Welfare, [is authorized to prescribe such] *shall prescribe* standards for the design, construction, and alteration of buildings, structures, and facilities of the Department of Defense subject to this Act [as may be necessary] to insure *whenever possible* that physically handicapped persons will have ready access to, and use of, such buildings.

*Sec. 4a. The United States Postal Service, in consultation with the Secretary of Health, Education, and Welfare, shall prescribe such standards for the design, construction, and alteration of its buildings to insure whenever possible that physically handicapped persons will have ready access to, and use of, such buildings.*

SEC. 5. Every building designed, constructed, or altered after the effective date of a standard issued under this Act which is applicable to such building, shall be designed, constructed, or altered in accordance with such standard.

SEC. 6. The Administrator of General Services, with respect to standards issued under section 2 of this Act, and the Secretary of Housing and Urban Development, with respect to standards issued under section 3 of this Act, and the Secretary of Defense with respect to standards issued under section 4 of this Act, [is authorized] *and the United States Postal Service with respect to standards issued under section 4a of this Act—*

(1) *is authorized* to modify or waive any such standard, on a case-by-case basis, upon application made by the head of the department, agency, or instrumentality of the United States concerned, and upon a determination by the Administrator or Secre-

tary, as the case may be, that such modification or waiver is clearly necessary, and

(2) [to conduct such surveys and investigations as he deems necessary to insure compliance with such standards] *shall establish a system of continuing surveys and investigations to insure compliance with such standards.*

SEC. 7. (a) *The Administrator of General Services shall report to Congress during the first week of January of each year on his activities and those of other departments, agencies, and instrumentalities of the Federal Government under this Act during the preceding fiscal year including, but not limited to, standards issued, revised, amended, or repealed under this Act and all case-by-case modifications, and waivers of such standards during such year.*

(b) *The Architectural and Transportation Barriers Compliance Board established by section 502 of the Rehabilitation Act of 1973 (Public Law 93-112) shall report to the Public Works and Transportation Committee of the House of Representatives and the Public Works Committee of the Senate during the first week of January of each year on its activities and actions to insure compliance with the standards prescribed under this act.*

#### TITLE 39, UNITED STATES CODE

\* \* \* \* \*

#### Chapter 4.—GENERAL AUTHORITY

\* \* \* \* \*

#### § 410. Application of other laws.

(a) Except as provided by subsection (b) of this section, and except as otherwise provided in this title or insofar as such laws remain in force as rules or regulations of the Postal Service, no Federal law dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Postal Service.

(b) The following provisions shall apply to the Postal Service:

(1) \* \* \*

(6) sections 2000d-1—20004-4 of title 42 (title VI, the Civil Rights Act of 1964); and

(7) section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668).

(8) *The provisions of the Act of August 12, 1968 (42 U.S.C. 4151-4156).*

\* \* \* \* \*

## PUBLIC BUILDINGS COOPERATIVE USE ACT OF 1976

SEPTEMBER 16, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BROOKS, from the Committee on Government Operations,  
submitted the following

### REPORT

[To accompany H.R. 15134 which on AUGUST 10, 1976, was referred jointly to the Committee on Public Works and Transportation and the Committee on Government Operations]

The Committee on Government Operations, to whom was referred the bill (H.R. 15134) to amend the Public Buildings Act of 1959 in order to preserve buildings of historical or architectural significance through their use for Federal public building purposes, and to amend the act of August 12, 1968, relating to the accessibility of certain buildings to the physically handicapped, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

#### TITLE I

Sec. 101. This title may be cited as the "Public Buildings Cooperative Use Act of 1976".

Sec. 102. (a) In order to carry out his duties under this title and under any other authority with respect to constructing, operating, maintaining, altering, and otherwise managing or acquiring space necessary for the accommodation of Federal agencies and to accomplish the purposes of this title, the Administrator shall—

(1) acquire and utilize space in suitable buildings of historic, architectural, or cultural significance, unless use of such space would not prove feasible and prudent compared with available alternatives;

(2) encourage the location of commercial, cultural, educational, and recreational facilities and activities within public buildings;

(3) provide and maintain space, facilities, and activities, to the extent practicable, which encourage public access to and stimulate public pedestrian traffic around, into, and through public buildings, permitting cooperative improvements to and uses of the area between the building and the street, so that such activities complement and supplement commercial, cultural, educational, and recreational resources in the neighborhood of public buildings; and

(4) encourage the public use of public buildings for cultural, educational, and recreational activities.

(b) In carrying out his duties under subsection (a) of this section, the Administrator shall consult with Governors, areawide agencies established pursuant to title II of the Demonstration Cities and Metropolitan Development Act of 1966 and title IV of the Intergovernmental Cooperation Act of 1968, and chief executive officers of those units of general local government in each area served by an existing or proposed public building, and shall solicit the comments of such other community leaders and members of the general public as he deems appropriate.

SEC. 103. The Public Buildings Act of 1959 is amended—

(1) by striking out at the end of section 7(a)(3) the word "buildings;" and inserting in lieu thereof "buildings, especially such of those buildings as enhance the architectural, historical, social, cultural, and economic environment of the locality;"

(2) by striking out "and" at the end of section 7(a)(4), by redesignating section 7(a)(5) as section 7(a)(6), and by inserting the following new section 7(a)(5):

"(5) a statement by the Administrator of the economic and other justifications for not acquiring or purchasing a building or buildings identified to the Administrator pursuant to section 12(c) of this Act as suitable for the public building needs of the Federal Government; and"; and

(3) by redesignating section 12(c) and section 12(d) and all references thereto as section 12(d) and section 12(e), respectively, and by inserting after section 12(b) the following new section 12(c):

"(c) Whenever the Administrator undertakes a survey of the public buildings needs of the Federal Government within a geographical area, he shall request that, within sixty days, the Advisory Council on Historic Preservation established by title II of the Act of October 15, 1966 (16 U.S.C. 470i), identify any existing buildings within such geographical area that (1) are of historic, architectural, or cultural significance (as defined in section 105 of the Public Buildings Cooperative Use Act of 1976) and (2) would be suitable, whether or not in need of repair, alteration, or addition, for acquisition or purchase to meet the public buildings needs of the Federal Government."

SEC. 104. (a) Section 210(a) of the Federal Property and Administrative Services Act of 1949 is amended by striking out "and" at the end of paragraph (14), by striking out the period at the end of paragraph (15) and inserting in lieu thereof a semicolon, and by adding after such paragraph the following new paragraphs:

"(16) to enter into leases of space on major pedestrian access levels and courtyards and rooftops of any public building with persons, firms, or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 105 of the Public Buildings Cooperative Use Act of 1976). The Administrator shall establish a rental rate for such leased space equivalent to the prevailing commercial rate for comparable space devoted to a similar purpose in the vicinity of the public building. Such leases may be negotiated without competitive bids, but shall contain such terms and conditions and be negotiated pursuant to such procedures as the Administrator deems necessary to promote competition and to protect the public interest;

"(17) to make available, on occasion, or to lease at such rates and on such other terms and conditions as the Administrator deems to be in the public interest, auditoriums, meeting rooms, courtyards, rooftops, and lobbies of public buildings to persons, firms, or organizations engaged in cultural, educational, or recreational activities (as defined in section 105 of the Public Buildings Cooperative Use Act of 1976) that will not disrupt the operation of the building;

"(18) to deposit into the fund established by subsection (f) of this section all sums received under leases or rentals executed pursuant to paragraphs (16) and (17) of this subsection, and each sum shall be credited to the appropriation made for such fund applicable to the operation of such building; and

"(19) to furnish utilities, maintenance, repair, and other services to persons, firms, or organizations leasing space pursuant to paragraphs (16) and (17) of this subsection. Such services may be provided during and outside of regular working hours of Federal agencies."

(b) The Federal Property and Administrative Services Act of 1949 is amended by adding at the end of section 210 (e) the following: "The Administrator shall, where practicable, give priority in the assignment of space on any major pedestrian access level not leased under the terms of subsection (a) (16) or (a) (17) of this section in such buildings to Federal activities requiring regular contact with members of the public. To the extent such space is unavailable, the Administrator shall provide space with maximum ease of access to building entrances."

SEC. 105. As used in this title and in the amendments made by this title—

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

(2) The terms "public building" and "Federal agency" have the same meaning as is given them in the Public Buildings Act of 1959.

(3) The term "unit of general local government" means any city, county, town, parish, village, or other general purpose political subdivision of a State.

(4) The term "historical, architectural, or cultural significance" includes, but is not limited to, buildings listed or eligible to be listed on the National Register established under section 101 of the Act of October 15, 1966 (16 U.S.C. 470a).

(5) The term "commercial activities" includes, but is not limited to, the operations of restaurants, food stores, craft stores, dry goods stores, financial institutions, and display facilities.

(6) The term "cultural activities" includes, but is not limited to, film, dramatic, dance, and musical presentations, and fine art exhibits, whether or not such activities are intended to make a profit.

(7) The term "educational activities" includes, but is not limited to, the operations of libraries, schools, day care centers, laboratories, and lecture and demonstration facilities.

(8) The term "recreational activities" includes, but is not limited to, the operations of gymnasiums and related facilities.

## TITLE II

SEC. 201. The Act entitled "An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped", approved August 12, 1968 (42 U.S.C. 4151-4156), is amended as follows:

(1) The first section is amended by inserting after "structure" the following: "not leased by the Government for subsidized housing programs"; and by striking out in paragraph (2) the following: "after construction or alteration in accordance with plans and specifications of the United States".

(2) Section 2 is amended—

(A) by striking out "is authorized to prescribe such" and inserting in lieu thereof "shall prescribe";

(B) by striking out "as may be necessary to insure" and inserting in lieu thereof "to insure whenever possible"; and

(C) by inserting immediately after "Department of Defense" the following: "and of the United States Postal Service".

(3) Section 3 is amended—

(A) by striking out "is authorized to prescribe such" and inserting in lieu thereof "shall prescribe"; and

(B) by striking out "as may be necessary to insure" and inserting in lieu thereof "to insure whenever possible".

(4) Section 4 is amended—

(A) by striking out "is authorized to prescribe such" and inserting in lieu thereof "shall prescribe"; and

(B) by striking out "as may be necessary to insure" and inserting in lieu thereof "to insure whenever possible".

(5) Immediately after section 4 insert the following new section:

"Sec. 4a. The United States Postal Service, in consultation with the Secretary of Health, Education, and Welfare, shall prescribe such standards for the design, construction, and alteration of its buildings to insure whenever possible that physically handicapped persons will have ready access to, and use of, such buildings."

(6) Section 6 is amended—

(A) by inserting immediately after "section 4 of this Act," the following: "and the United States Postal Service with respect to standards issued under section 4a of this Act";

(B) by striking out "is authorized";

(C) by inserting immediately after "(1)" the following: "is authorized"; and

(D) by striking out all that follows "(2)" and inserting in lieu thereof "shall establish a system of continuing surveys and investigations to insure compliance with such standards."

(7) By adding at the end thereof the following new section:

"Sec. 7. (a) The Administrator of General Services shall report to Congress during the first week of January of each year on his activities and those of other departments, agencies, and instrumentalities of the Federal Government under this Act during the preceding fiscal year including, but not limited to, standards issued, revised, amended, or repealed under this Act and all case-by-case modifications, and waivers of such standards during such year.

"(b) The Architectural and Transportation Barriers Compliance Board established by section 502 of the Rehabilitation Act of 1973 (Public Law 93-112) shall report to the Public Works and Transportation Committee of the House of Representatives and the Public Works Committee of the Senate during the first week of January of each year on its activities and actions to insure compliance with the standards prescribed under this Act."

Sec. 202. The amendment by paragraph (1) of section 201 of this Act shall not apply to any lease entered into before January 1, 1977. It shall apply to every lease entered into on or after January 1, 1977, including any renewal of a lease entered into before such date which renewal is on or after such date.

Sec. 203. Section 410(b) of title 39, United States Code, is amended by adding at the end thereof the following:

"(8) The provisions of the Act of August 12, 1968 (42 U.S.C. 4151-4156)."

## I. PURPOSE OF THE BILL

Title I of H.R. 15134, as amended, gives a broader purpose to the duties of the Administrator of General Services in acquiring space necessary for accommodating Federal agencies. First, it authorizes and encourages the Administrator to acquire and utilize space in suitable buildings that have historical, architectural, or cultural significance. Second, it authorizes and encourages the Administrator to stimulate pedestrian traffic and community use of certain parts of public buildings by leasing or otherwise making available space for commercial, cultural, educational, and recreational activities.

Title II amends existing law to assure more effective implementation of the Congressional policy to eliminate architectural barriers to physically handicapped persons in most federally occupied or sponsored buildings.

## II. EXPLANATION OF AMENDMENT

The committee amendment strikes everything after the enacting clause and inserts language in the nature of a substitute. It does not change the basic purpose or thrust of the bill. The changes are for clarification and technical improvement. The principal changes made by the committee are found in title I. They include:

(1) Elimination of the language (section 102(a)(2) of the original bill) which would give preference to acquisition of space in any existing building. This could lead to a serious conflict with the congressional policy to encourage purchasing—rather than leasing—of Federal buildings as the more economical procedure.

(2) Assuring that in negotiating leases for cooperative use under the authority of the bill the Administrator follow procedures necessary to promote competition and protect the public interest.

(3) Elimination of a provision that would amend the Federal Property Act to authorize the Administrator to pay sums in lieu of real property taxes to State and local governments on space leased to certain non-Federal persons, firms, or organizations. The committee regards expenditure of funds to make payments in lieu of taxes as an extremely important question, from both a policy and an administrative standpoint.

GSA advised the committee that it could not provide information on what procedures or policies it might adopt to apply and implement such authority. The committee is not aware of data, experience, or analyses relating to payments in lieu of taxes in the special circumstances which might prevail as a result of enactment of this bill. The committee observes that the authority found in section 210(a)(9) of the Federal Property and Administrative Services Act of 1949, as amended, relates only to real property declared surplus under the Surplus Property Act of 1944, which was repealed as of June 30, 1949. The committee report on the legislation which contained this provision emphasized the limited and temporary character of the authority, stating that it would not extend to any properties declared excess or surplus on or after July 1, 1949 (House Report No. 2747, 81st Congress, on H.R. 9129, Page 9 (July 26, 1950)).

Changes made by the committee amendment to title II, relating to elimination of architectural barriers for the physically handicapped, are to clarify the application of the legislation to the U.S. Postal Service and to provide that the Postal Service consult with the Secretary of Health, Education, and Welfare with respect to design and construction standards.

## III. HEARINGS

The Committee did not hold hearings on H.R. 15134. The Subcommittee on Public Buildings and Grounds of the House Committee on Public Works and Transportation, to which the bill has also been referred, held hearings on title I of the bill August 25, 1976, and on title II of the bill August 26, 1976.

Testifying on title I were:

Representative Leonor K. Sullivan of Missouri  
Administrator of General Services  
Director, Buffalo and Erie County Historical Society  
Chairman, National Endowment for the Arts  
Chairman, Advisory Council on Historic Preservation  
Associate Director for Professional Services, National Park Service  
Executive Director, Pennsylvania Avenue Development Corporation  
Deputy Director, District of Columbia Municipal Planning Office

Testifying on title II were:

Representative Robert W. Edgar of Pennsylvania  
Associate Director, Federal Personnel and Compensation Division, General Accounting Office

A representative of the National Easter Seal Society for Crippled Children and Adults  
 Deputy Assistant Secretary for Facilities, Engineering, and Property Management, Department of H.E.W.  
 Chief of Construction Standards and Design, Department of Defense  
 General Manager, Property Management Division, Real Estate and Buildings Department, U.S. Postal Service  
 A representative of the American Institute of Architects

All witnesses at the above hearings indicated either approval of the legislation or lack of general objection.

In the Senate, a hearing was held May 19, 1975, on S. 865, which is very similar to title I of H.R. 15134. Testimony was heard from individuals representing the General Services Administration, the National Endowment for the Arts, the National Trust for Historic Preservation, the Advisory Council on Historic Preservation, and a panel of architects. Each witness urged that S. 865 be enacted.

#### IV. BACKGROUND AND NEED

The Public Buildings Service (PBS) is the largest activity within the General Services Administration (GSA). It designs, builds, leases, operates, protects, and maintains most of the Nation's Federal buildings. The two main, permanent statutes under which PBS operates are: The Public Buildings Act of 1959, as amended (40 U.S.C. 601-615), and the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.) The former deals chiefly with the acquisition of buildings and building sites and is assigned to the legislative jurisdiction of the Committee on Public Works and Transportation. The Federal Property Act, in section 210, authorizes the Administrator to take specific actions with respect to buildings for which he has operational authority. The Federal Property Act is assigned to the legislative jurisdiction of the Committee on Government Operations. Among numerous special statutes under which PBS operates is the 1968 Act, providing for construction to accommodate the physically handicapped (P.L. 90-480), which title II of H.R. 15134 amends and which is assigned to the legislative jurisdiction of the Committee on Public Works and Transportation.

There are more than 10,000 federally owned or leased buildings, and currently some 1,700 construction projects are in progress. GSA's inventory includes 250 million square feet of space. Obviously, PBS activities and properties have very large effects on the surrounding environment.

The functions and activities of PBS include design, construction, buildings management, space management, and impact planning. Many of these functions include objectives relating to the environment. With respect to design, an important GSA criterion is to insure that buildings constructed are compatible with the character and cultural heritage of a particular locale.

In buildings management, PBS's declared objective is to provide attractive, well-maintained, and safe sites where Federal employees will feel stimulated and proud to work.

As to space management, PBS is responsible for locating agencies

in areas convenient to the persons they service and for selecting sites that improve social and economic conditions in the area.

Impact planning entails coordination with State and local governments to promote intergovernmental cooperation and to encourage good planning, zoning, and land-use practices. Environmental impact determinations are made to assure that major actions have a constructive effect on the quality of the human environment.

PBS activities also include special programs to encompass good fire safety methods, energy conservation and enhancement of the environment.

Pertinent, too, is the disposal to local public bodies of Federal surplus real property for historic monument use. Such disposals were originally authorized in 1944. In 1972, an amendment recommended by the Committee on Government Operations authorized GSA to permit the grantee to adopt and use the property compatibly with its historic monument purpose in order to produce needed revenue (P.L. 92-362). PBS has stated its goal as assuring that today's and tomorrow's buildings benefit the employees, the public being served, and the affected geographic areas.

It is by no means a large or incongruous extension of PBS's existing objectives and responsibilities, to add those that would be established and encouraged through title I or H.R. 15134.

Title I of H.R. 15134, which has the main jurisdictional concern of the Committee on Government Operations, is needed to provide authority and impulse for two important goals: The United States has developed its own rich cultural, architectural, and historic heritage. We are more aware of this than ever as we begin our third century as a Nation. We should help preserve and enhance this heritage by making use of existing buildings of historic, architectural, and cultural significance. Title I does this by encouraging retention of such buildings in two ways: By encouraging their acquisition to meet Federal needs for space, and by encouraging the retention and rehabilitation of such buildings when they are already in Federal hands.

Title I also encourages the location, by lease or permit, of commercial, cultural, educational, and recreational facilities and activities within public buildings. The objective is to add to urban vitality and to encourage greater and more varied use both during and outside of regular hours.

The impact was put expressively by the New York Times, June 17, 1975:

Instead of an after 5 o'clock surreal landscape of locked doors and empty, echoing spaces, Federal construction would promote the health and vitality—and even the safety—of a city. Design dedicated to the social and economic improvement of the environment would be a fine substitute for instant Federal wastelands. \* \* \*

The need and purposes of both aspects of title I were summarized by the Council on Environmental quality writing to the Senate subcommittee on June 1, 1975:

The Federal Government has a responsibility to assure that its actions contribute to humane and enriching public pur-



poses—particularly when to do so also conserves energy, natural resources and costs. While we would not recommend that our cities become museums of the past, the past's fine architecture preserved and complemented by creative and compatible new construction, where appropriate, can contribute to an environment which is diverse and rich in memory, activity, and design.

## V. DISCUSSION

Title I has three principal components. The first is a general policy directive to the Administrator relating to his duties under any authority with respect to acquiring and managing space for Federal agencies. Section 102, which contains this directive, represents a separate law and does not specifically amend any existing provision. The second component, section 103, makes necessary amendments to the authority and coverage of the Public Buildings Act of 1959, dealing chiefly with the acquisition of buildings and space. The third component, found in section 104, adds amendments to the Federal Property Act authorizing necessary leases and other arrangements with respect to multiple use of Federal buildings.

Section 102, as part of its acquisition and use policy, takes cognizance of the need to work with local officials and groups, as well as community leaders and the general public.

Section 103, with the new authority to make leases and other arrangements for multiple use of public buildings, clearly distinguishes between two general types of use:

(1) Conventional leases of space at the major pedestrian access levels and courtyards and rooftops for commercial, cultural, educational, or recreational activities. These would be at prevailing commercial rates for comparable space. Leases would be negotiated, subject to appropriate competitive procedures.

(2) Leases, permits, or other arrangements for special purposes, generally of an occasional or intermittent nature, for cultural, educational, or recreational activities. Auditoriums, lobbies, courtyards, and rooftops would be available, provided such activities do not disrupt building operations.

Section 103 authorizes the Administrator to provide utility and normal logistical support services to the non-Federal lessees. This would not, of course, interfere with the application of other policy or authority (such as that found in 31 U.S.C. 483a) that services furnished by Federal agencies shall be self-sustaining to the extent possible.

There is also a provision, added to the Federal Property Act, that major pedestrian access levels not leased for non-Federal use under the new amendments, shall be assigned on a priority basis to Federal agencies whose activities require regular contact with the public.

There is no intent that this bill should be applied to interfere with operations under the Randolph-Sheppard Act (20 U.S.C. 107) for granting preference to licensed blind persons for operation of vending stands and machines in property owned, leased, or occupied by Federal agencies. In fact, it is probable that increased public visitation of the Federal buildings under this bill will result in a larger volume of business for blind vendors located there.

With respect to title II, to strengthen the Act of August 12, 1968 (42 U.S.C. 4151-4156) with respect to accommodating federally owned, funded or leased buildings to the physically handicapped, the committee notes the strong endorsement of the measure by the General Accounting Office in testimony before the subcommittee of the Public Works and Transportation Committee August 26, 1976. GAO's witness declared that title II was fully responsive to recommendations in GAO's July 15, 1975, report entitled "Further Action needed to Make All Public Buildings Accessible to the Physically Handicapped." GAO found that the 1968 Act "had only a minor effect on making public buildings barrier-free."

The Committee notes some uncertainty with respect to the ultimate cost of correcting existing deficiencies. This is reflected in testimony on August 26 by the Department of HEW. However, from the standpoint of new construction, there are expressions of substantial opinion, including that of the Department of HEW, that the cost of eliminating barriers at the design state of new buildings is nominal—as a rule about one-half of one percent of construction cost.

The Committee on Government Operations concurs in the objectives of title II and defers, with respect to detail, to the other committee of referral, the Committee on Public Works and Transportation, which has jurisdiction over the 1968 Act.

Appended to this report are: (1) a letter to Chairman Brooks dated August 30, 1976, containing the views of the General Services Administration, and (2) the June 10, 1975, letter, referred to above, from the Council on Environmental Quality to the Chairman, Public Buildings and Grounds Subcommittee, Senate Committee on Public Works.

## VII. MISCELLANEOUS

### COMMITTEE VOTE

At a meeting of the Full Committee on Government Operations on September 14, 1976, a quorum being present, H.R. 15134 was approved with the committee amendment by a roll call vote of 35 ayes and 1 nay.

### STATEMENT PURSUANT TO CLAUSE 7(a) OF RULE XIII

The committee estimates that, with respect to the provisions of H.R. 15134 with which the Committee has primary jurisdictional concern, any additional costs resulting from enactment of H.R. 15134 should be minimal.

### STATEMENT PURSUANT TO CLAUSE 2(1) (3) OF RULE XI

(a) No oversight findings or recommendations have been made with regard to this measure.

(b) This measure does not provide for additional budget authority.

(c) The committee has not received from the Congressional Budget Office a cost analysis report pursuant to section 403 of the Congressional Budget and Impoundment Control Act of 1974.

## INFLATIONARY IMPACT

In compliance with clause (1) (4) of House Rule XI, it is the opinion of this committee that the provisions of this bill will have no inflationary impact on prices and costs in the operation of the national economy.

## SECTION-BY-ANALYSIS

## TITLE I

*Section 101—Short title*

This Act is cited as the "Public Buildings Cooperative Use Act of 1976".

*Section 102—Objectives of the act*

(a) This subsection establishes four additional policies for the Administrator in the acquisition and management of space for use by Federal agencies:

(1) The Administrator shall acquire and utilize suitable buildings of historic, architectural, or cultural significance wherever in comparison with alternatives available to him use of such space would not prove infeasible or imprudent.

(2) The Administrator shall encourage the location of commercial, cultural, educational, and recreational facilities and activities within public buildings.

(3) The Administrator shall provide and maintain, wherever practicable space and facilities for activities which encourage public pedestrian traffic around and through public buildings so that such activities complement and supplement the existing commercial, cultural, educational, and recreational resources in the neighborhood of such buildings.

(4) Finally, the Administrator shall encourage the use of certain areas of public buildings for cultural, educational, and recreational activities.

(b) This subsection establishes a procedure for the Administrator to follow in the implementation of policies enumerated in subsection

(a). The Administrator is directed to consult with governors, area-wide agencies concerned with economic development and regional planning, and established pursuant to 42 U.S.C. 3331, and 42 U.S.C. 4231, and the chief executive officers of local governments served by existing or planned public buildings, and to solicit comments from other interested parties.

*Section 103—Amendments to the Public Buildings Act of 1959*

(1) This subsection amends section 7(r) (3) of the Public Buildings Act of 1959 by adding new language which directs the Administrator of General Services to include in prospectuses for Federal space a description of existing buildings that enhance the architectural, historical, social, cultural and economic environment of the locality.

(2) A new subsection 5 requires the Administrator to include a statement of the economic and other justifications for not acquiring or purchasing a building or buildings identified to the Administrator pursuant to section 12(c) of this Act as suitable for the public building needs of the Federal Government.

(3) New section 12(c) directs that whenever the Administrator undertakes a survey of the public building needs of the Federal Government within a geographical area, he shall request that, within sixty days, the Advisory Council on Historic Preservation established by title II of the Act of October 15, 1966 (16 U.S.C. 470i), identify any existing buildings within such geographical area that (1) are of historic, architectural, or cultural significance (as defined in section 105 of the Public Buildings Cooperative Use Act of 1976) and (2) would be suitable, whether or not in need of repair, alteration, or addition, for acquisition or purchase to meet the public buildings needs of the Federal Government.

*Section 104—Amendments to the Federal Property and Administrative Services Act of 1949*

(a) This subsection adds four new paragraphs to section 210(a) of the Federal Property and Administrative Services Act of 1949, which section authorizes the Administrator of General Services to undertake specified activities relating to public buildings for which the Administrator has been given operational authority. The first new paragraph (16), authorizes the Administrator to lease space on major pedestrian levels, courtyards and rooftops of public buildings to persons, firms, or organizations which engage in commercial, cultural, educational, or recreational activities. The Administrator shall set a rental rate for such leases which is equivalent to the prevailing commercial rate for comparable space devoted to a similar purpose in the vicinity. Though these leases must be negotiated, the Administrator is required to set up procedures for negotiation which will promote competition and protect the public interest. The second new paragraph (17), authorizes the administrator to make available, on occasion, or to lease, auditoriums, meeting rooms, courtyards, rooftops, and lobbies of public buildings to persons, firms, or organizations engaged in cultural, educational, or recreational activities. Such activities may not disrupt the normal operation within the public building. The Administrator is authorized to set for these leases rates and other conditions which he deems to be in the public interest. The third paragraph ((18)), authorizes the Administrator to deposit sums received from leases and rentals authorized in the preceding two paragraphs into the Federal Buildings Fund, to be credited to the appropriation made for the fund and applicable to the operation of such building. The fourth paragraph ((19)), authorizes the Administrator to furnish utilities, maintenance, repair, and other services, during or outside regular working hours, to persons, firms or organizations leasing space authorized under the first two new paragraphs.

(b) This subsection amends Section 210(e) of the Federal Property and Administrative Services Act of 1949 by adding new language which directs the Administrator to give priority in the assignment of any space on any major pedestrian access level not leased under the terms of the first two new paragraphs added to section 210(a) as indicated above, to Federal activities requiring regular contact with members of the public. Where this space is unavailable, the Administrator is directed to provide space with maximum ease of access to building entrances.



### Section 105—Definitions

- (1) "Administrator" means the Administrator of General Services.
- (2) "Public building" and "federal agency" are given the same meanings as designated in the Public Buildings Act of 1959.
- (3) "Unit of general local government" is any city, county, town, parish, village, or other general purpose political subdivision of a state."
- (4) The phrase "historical, architectural, or cultural significance", as applied to buildings, includes those listed or eligible to be listed on the National Register of Historic Places. Although it is not intended that the National Register list be exclusive, the Administrator, in performing his duties under this legislation, would be expected to consider carefully the competence and standing of other sources of recommendations or designations, and make his determinations accordingly.
- (5) The term "commercial activities" includes, but is not limited to, the operations of restaurants, food stores, craft stores, dry goods stores, financial institutions, and display facilities.
- (6) The term "cultural activities" includes, but is not limited to, film, dramatic, dance and musical presentations, and fine art exhibits, whether or not such activities are intended to make a profit.
- (7) The term "educational activities" includes, but is not limited to, the operations of libraries, schools, day care centers, laboratories, and lecture and demonstration facilities.
- (8) The term "recreational activities" includes, but is not limited to the operations of gymnasiums and related facilities.

## TITLE II

### Section 201

- (1) Amends the Act of August 12, 1968, (42 U.S.C. 4151-4156) to include within the provisions of the Act structures leased by the Government for subsidized housing, and includes all buildings leased in whole or in part by the Federal Government after the date of enactment of this Act.
- (2) Amends section 2 of the Act to require the Administrator of the General Services Administration to prescribe standards for Federal buildings, (other than DOD and Postal Service buildings) to insure whenever possible that handicapped persons will have access to and use of such buildings.
- (3) Amends section 3 to require the Secretary of the Housing and Urban Development to prescribe standards to insure whenever possible that residential structures subject to this Act that handicapped persons will have ready access to and use of such buildings.
- (4) Amends section 4 to require the Department of Defense to prescribe standards for buildings, structures, and facilities subject to this Act to insure whenever possible that handicapped persons have access to and use of such buildings.
- (5) Adds a new subsection 4a to require the Postal Service to prescribe standards for its buildings to insure whenever possible that handicapped persons have access to and use of such buildings.
- (6) Amends section 6 to add that the Postal Service may modify or waive on a case by case basis standards and amends Subsection (2) to

require a system of continuing surveys and investigations to insure compliance with such standards.

- (7) Adds a new section 7 to require the Administrator of General Services in January of each year to report to Congress on his activities and those of other Departments and agencies under this Act on standards issued, revised, amended, or repealed and all case by case modifications and waivers.

Section 7 also requires the Architectural and Transportation Barriers Compliance Board to report to the Committee on Public Works and Transportation of the House and the Committee on Public Works of the Senate in January of each year on its activities and actions to insure compliance with standards.

### Section 202

Provisions of this Act shall apply to leases entered into after January 1, 1977.

### Section 203

Amends section 410(b) of title 39, United States Code, so that the provisions of the Act of August 12, 1968, apply to the Postal Service.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

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 reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in *roman*) :

## PUBLIC BUILDINGS ACT OF 1959

- \* \* \* \* \*
- 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 any public building or to acquire any building to be used as a public building involving an expenditure in excess of \$100,000, and no appropriation shall be made to alter any public building involving an expenditure in excess of \$200,000, 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 Congress a prospectus of the proposed project, 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 project, and an estimate of the maximum cost of the project;
  - (3) 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, *especially such of those buildings as enhance the architectural, historical, social, cultural, and economic environment of the locality;*

(4) 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]**

(5) *a statement by the Administrator of the economic and other justifications for not acquiring or purchasing a building or buildings identified to the Administrator pursuant to section 12(c) of this Act as suitable for the public building needs of the Federal Government; and*

**[(5)]** (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.

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, and, as he determines necessary, to submit to Congress prospectuses of proposed projects in accordance with section 7(a) of this Act.

(b) In carrying out his duties under this Act the Administrator shall cooperate with all Federal 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 Federal agency in carrying out his duties under this Act. Each Federal agency shall cooperate with, advise, and assist the Administrator in carrying out his duties under this Act as determined necessary by the Administrator to carry out the purposes of this Act.

(c) *Whenever the Administrator undertakes a survey of the public buildings needs of the Federal Government within a geographical area, he shall request that, within sixty days, the Advisory Council on Historic Preservation established by title II of the Act of October 15, 1966 (16 U.S.C. 470i), identify any existing buildings within such geographical area that (1) are of historic, architectural, or cultural significance (as defined in section 105 of the Public Buildings Cooperative Use Act of 1976) and (2) would be suitable, whether or not in need of repair, alteration, or addition, for acquisition or purchase to meet the public buildings needs of the Federal Government.*

**[(c)]** (d) 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.

**[(d)]** (e) Clause (1) of section 210(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(h)) is amended by striking out the words "ten years", and inserting in lieu thereof the words "twenty years".

## FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

### TITLE II—PROPERTY MANAGEMENT

#### OPERATION OF BUILDINGS AND RELATED ACTIVITIES

SEC. 210. (a) Whenever and to the extent that the Administrator has been or hereafter may be authorized by any provision of law other than this subsection to maintain, operate, and protect any building, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, demolition, furnishing, and equipment thereof, he is authorized in the discharge of the duties so conferred upon him—

(1) \* \* \*

(14) to enter into contracts for periods not exceeding three years for the inspection, maintenance, and repair of fixed equipment in such buildings which are federally owned; **[and]**

(15) to render direct assistance to and perform special services for the Inaugural Committee (as defined in the Act of August 6, 1956, 70 Stat. 1049) during an inaugural period in connection with Presidential inaugural operations and functions, including employment of personal services without regard to the civil service and classification laws; provide Government-owned and leased space for personnel and parking; pay overtime to guard and custodial forces; erect and remove stands and platforms; provide and operate first-aid stations; provide furniture and equipment; and provide other incidental services in the discretion of the Administrator **[(1)]**;

(16) to enter into leases of space on major pedestrian access levels and courtyards and rooftops of any public building with persons, firms, or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 105 of the Public Buildings Cooperative Use Act of 1976). The Administrator shall establish a rental rate for such leased space equivalent to the prevailing commercial rate for comparable space devoted to a similar purpose in the vicinity of the public building. Such leases may be negotiated without competitive bids, but shall contain such terms and conditions and be negotiated pursuant to such procedures as the Administrator deems necessary to promote competition and to protect the public interest;

(17) to make available, on occasion, or to lease at such rates and on such other terms and conditions as the Administrator deems to be in the public interest, auditoriums, meeting rooms, courtyards, rooftops, and lobbies of public buildings to persons, firms, or organizations engaged in cultural, educational, or recreational activities (as defined in section 105 of the Public Buildings

*Cooperative Use Act of 1976) that will not disrupt the operation of the building;*

*(18) to deposit into the fund established by subsection (f) of this section all sums received under leases or rentals executed pursuant to paragraphs (16) and (17) of this subsection, and each sum shall be credited to the appropriation made for such fund applicable to the operation of such building; and*

*(19) to furnish utilities, maintenance, repair, and other services to persons, firms, or organizations leasing space pursuant to paragraphs (16) and (17) of this subsection. Such services may be provided during and outside of regular working hours of Federal agencies.*

(e) Notwithstanding any other provision of law, the Administrator is authorized, in accordance with policies and directives prescribed by the President under section 205(a) and after consultation with the heads of the executive agencies affected, to assign and reassign space of all executive agencies in Government-owned and leased buildings in and outside the District of Columbia upon a determination by the Administrator that such assignment or reassignment is advantageous to the Government in terms of economy, efficiency, or national security. *The Administrator shall, where practicable, give priority in the assignment of space on any major pedestrian access level not leased under the terms of subsection (a)(16) or (a)(17) of this section in such buildings to Federal activities requiring regular contact with members of the public. To the extent such space is unavailable, the Administrator shall provide space with maximum ease of access to building entrances.*

\* \* \* \* \*

#### ACT OF AUGUST 12, 1968

AN ACT To insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, as used in this Act, the term "building" means any building or facility (other than (A) a privately owned residential structure not leased by the Government for subsidized housing programs and (B) any building or facility on a military installation designed and constructed primarily for use by able bodied military personnel) the intended use for which either will require that such building or facility be accessible to the public, or may result in the employment or residence therein of physically handicapped persons, which building or facility is—*

*(1) to be constructed or altered by or on behalf of the United States;*

*(2) to be leased in whole or in part by the United States after the date of enactment of this Act [after construction or alteration in accordance with plans and specifications of the United States];*

*(3) to be financed in whole or in part by a grant or a loan made by the United States after the date of enactment of this Act if such building or facility is subject to standards for design, construc-*

*tion, or alteration issued under authority of the law authorizing such grant or loan; or*

*(4) to be constructed under authority of the National Capital Transportation Act of 1960, the National Capital Transportation Act of 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact.*

SEC. 2. The Administrator of General Services, in consultation with the Secretary of Health, Education, and Welfare, [is authorized to prescribe such] *shall prescribe* standards for the design, construction, and alteration of buildings (other than residential structures subject to this Act and buildings, structures, and facilities of the Department of Defense and of the United States Postal Service subject to this Act) [as may be necessary] to insure *whenever possible* that physically handicapped persons will have ready access to, and use of, such buildings.

SEC. 3. The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, [is authorized to prescribe such] *shall prescribe* standards for the design, construction, and alteration of buildings which are residential structures subject to this Act [as may be necessary] to insure *whenever possible* that physically handicapped persons will have ready access to, and use of, such buildings.

SEC. 4. The Secretary of Defense, in consultation with the Secretary of Health, Education, and Welfare, [is authorized to prescribe such] *shall prescribe* standards for the design, construction, and alteration of buildings, structures, and facilities of the Department of Defense subject to this Act [as may be necessary] to insure *whenever possible* that physically handicapped persons will have ready access to, and use of, such buildings.

*SEC. 4a. The United States Postal Service, in consultation with the Secretary of Health, Education, and Welfare, shall prescribe such standards for the design, construction, and alteration of its buildings to insure whenever possible that physically handicapped persons will have ready access to, and use of, such buildings.*

SEC. 5. Every building designed, constructed, or altered after the effective date of a standard issued under this Act which is applicable to such building, shall be designed, constructed, or altered in accordance with such standard.

SEC. 6. The Administrator of General Services, with respect to standards issued under section 2 of this Act, and the Secretary of Housing and Urban Development, with respect to standards issued under section 3 of this Act, and the Secretary of Defense with respect to standards issued under section 4 of this Act, and the United States Postal Service with respect to standards issued under section 4a of this Act, [is authorized]—

*(1) is authorized to modify or waive any such standard, or a case-by-case basis, upon application made by the head of the department, agency, or instrumentality of the United States concerned, and upon a determination by the Administrator or Secretary, as the case may be, that such modification or waiver is clearly necessary, and*

*(2) [to conduct such surveys and investigations as he deems necessary to insure compliance with such standards] shall estab-*

lish a system of continuing surveys and investigations to insure compliance with such standards.

Sec. 7. (a) The Administrator of General Services shall report to Congress during the first week of January of each year on his activities and those of other departments, agencies, and instrumentalities of the Federal Government under this Act during the preceding fiscal year including, but not limited to, standards issued, revised, amended, or repealed under this Act and all case-by-case modifications, and waivers of such standards during such year.

(b) The Architectural and Transportation Barriers Compliance Board established by section 502 of the Rehabilitation Act of 1973 (Public Law 93-112) shall report to the Public Works and Transportation Committee of the House of Representatives and the Public Works Committee of the Senate during the first week of January of each year on its activities and actions to insure compliance with the standards prescribed under this Act.

#### SECTION 410 OF TITLE 39, UNITED STATES CODE

##### § 410. Application of other laws.

(a) \* \* \*

(b) The following provisions shall apply to the Postal Service:

(1) \* \* \*

\* \* \* \* \*

(7) section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668).

(8) The provisions of the Act of August 12, 1968 (42 U.S.C. 4151-4156).

#### APPENDIX

GENERAL SERVICES ADMINISTRATION,  
Washington, D.C., August 30, 1976.

HON. JACK BROOKS,  
Chairman, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of August 17, 1976, requested the views of the General Services Administration (GSA) on H.R. 15134, 94th Congress, a bill "To amend the Public Buildings Act of 1959 in order to preserve buildings of historical or architectural significance through their use for Federal public building purposes, and to amend the Act of August 12, 1968, relating to the accessibility of certain buildings to the physically handicapped."

GSA supports the proposed legislation, which is consistent with this agency's longstanding promotion of the concepts of historic preservation and the multiple use of Federal structures.

If enacted, the bill enables GSA to aid in preserving and maintaining the importance architectural heritage of our culture. It also provides the impetus for a closer interplay of the activities of the public and private segments of the community. This legislation encourages the full utilization of our nation's resources, allowing for the maximum use and accessibility of Federal buildings.

Enclosed are our more detailed comments contained in the Administrator's statement of August 25, 1976, before the Subcommittee on Buildings and Grounds of the House Committee on Public Works.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report to your Committee.

Sincerely,

JACK ECKERD,  
Administrator.

#### STATEMENT BY JACK ECKERD

Thank you, Mr. Chairman and members of the Subcommittee. It's a pleasure to discuss H.R. 15134 which we feel is a very significant bill.

In the past, Federal buildings have been viewed—and rightly so—as cold, concrete edifices entered only by those who either worked there or who had business with the Government. Recent innovations in architectural style and design have helped to change this negative image somewhat and the concepts embodied in this bill would go much further toward making Federal buildings and their occupants more a part of the community.

As the principal manager, builder, owner and lessor of Federal buildings in the United States, the General Services Administration has a fundamental commitment toward bettering the total environment of America's cities and towns. As you know, our Public Buildings Service is responsible for 10,000 Federally-owned or leased buildings. It has 1,700 construction projects underway, a billion dollar annual budget, 22,000 employees and an inventory of 250 million square feet of building space across the country. Obviously, we have a large stake in and an enormous responsibility for the improvement of our environment.

Our concern for the environment as it is affected by building is not new. In April 1972, we sponsored an International Environmental Conference on Building Construction and Use. Representatives from the United States, Canada, Japan, Mexico and France produced ideas and made valuable recommendations about the impact of construction on our environment.

I mention our International Conference because its purpose fully supported the concepts proposed in this legislation. First, this bill would make possible cooperative, private/public use of space in Federal buildings. The GSA conference report stated in 1972 that "the idea of multiple-use buildings is growing and in the consideration of the city as a 'home' rather than a 'marketplace', there is good reason to consider the use of the lower floors of Federal buildings for mercantile purposes."

Second, this bill would encourage where practical the renovation of older buildings so they could be converted to useful Federal space. In this regard, our conference report recommended that "GSA should use its influence to maintain and create variety in terms of architecture and use. This would include consideration of preservation of historic buildings and areas for community-oriented, multi-purpose public buildings."

We at GSA strongly support the concepts introduced in this bill. As mentioned, we have long promoted the concepts of historic preservation and the multiple use of Federal structures and, therefore, feel such a combination of activity would be well worth pursuing unless such mixing would not be feasible.

Cities have always had multiple-use planning. In many older neighborhoods apartments typically were built above stores that lined the street level. And recent examples of vertical mixing—that is some combination of retail, parking, office, recreational and residential use in a single structure—can be found in the Sears Tower and the John Hancock Center in Chicago, in the United Nations Plaza in Manhattan and in the Crystal City complex across the Potomac in Arlington. City planners have acclaimed these buildings for their potential in revitalizing core areas.

All too often, however, neither private nor public office buildings have been designed to contribute to the active movement of people or to encourage the interplay of varied activities. When the employees go home in the evening the surrounding streets are left empty and after-hours activity is discouraged. This is a serious problem in many downtown areas and this legislation provides an approach toward the solution.

We have commercial operations such as gift shops, book stores, dry cleaners, florists, barbers, home furnishing stores, and so on, in many

of our buildings. These were established for minority entrepreneurs through the Small Business Administration's 8(a) programs and for handicapped persons as set forth in the Randolph-Shepard Act. But these have not contributed significantly to the mix of activities that combine to give life and excitement to the neighborhood environment. On the contrary, these businesses primarily serve occupants of the building and when these workers go home at night it reinforces the image of a downtown which is lacking in vitality.

There are many benefits to be gained from the multiple-use of Federal buildings—especially older, or seemingly obsolete, structures. Beyond the obvious advantages already mentioned there are other important factors. First is the issue of resource scarcity. For years we have assumed that we had limitless supplies of land, energy and money. Recent events have made it clear that this is no longer a valid assumption. The renovation and use of older buildings for the purposes stated in this legislation demonstrates the Government's commitment for better utilization of our nation's resources.

Since renovation also tends to be more labor oriented—per construction dollar—than new construction it could mean more jobs. A \$1 million investment in repair and alteration work could produce up to three times as many new jobs as \$1 million in new construction activity. This comparison cannot be taken literally in all cases but it does illustrate that possibilities exist through this legislation for substantial and effective payoffs in worthwhile employment.

There are also other benefits that would accrue from this bill. If enacted it would—

- Provide additional conveniences for Government employees.

- Augment further the aims and intent of the Intergovernmental Cooperation Act.

- Establish a viable partnership between the Federal government and various sectors of the community.

- Create job and business opportunities for the local community.

- And, relieve some of the burden borne by local communities in preserving older structures.

With regard to Title II which deals with the elimination of architectural barriers to the handicapped, GSA already is doing much in this area. Facilities for the handicapped are incorporated into designs of buildings constructed for long-term lease by the Government or when existing commercial buildings undergo extensive alterations to accommodate proposed Federal occupants. We do have some concern that it would not be economically feasible to require elimination of these architectural barriers when, for example, we lease only two to three hundred feet of space in a building for a short period of time such as three years. In these instances the Government is not the sole tenant—usually not even the major tenant—and the short term of the typical lease gives hardly enough time to amortize the cost of alterations to provide absolutely barrier-free space at rentals which the Government could afford.

In regard to the multi-use portion of this bill, it would be naive to think there would not be problems or adjustments to be made. Security would have to be considered but the question is not multiple-use versus security—and we are confident that through quality design and planning this problem can be resolved. We also would need to address



other issues such as budgetary adjustments, payment-in-lieu of real property taxes, and changes in policy in such areas as maximum space utilization and fire safety. But, as I mentioned at the beginning of my statement, we have faced the issue of multiple-use of space for several years and are well along in our planning for such a program.

Multiple-use of Federal buildings and the attempt to preserve culturally significant buildings places the emphasis of the Federal Building Program on serving the total public interest. In the past, the objective was simply to provide space for Federal agencies. Through the architectural preservation provisions of this bill, GSA would be able to help preserve the important architectural heritage of our culture. This act would make it possible for the Government to become a partner with the community in an attempt to meet public needs and goals—the very reasons for any Government program. However, if such a program is to be completely successful, Government assumptions about building purposes must change so that multiple-use is not just allowed but actively promoted.

It has proven successful for the governments of Japan, Canada and Sweden and it can be successful for our Federal government. For all of these reasons GSA supports the concept of this legislation and we welcome the opportunity to meet its requirements and challenges.

Now, if you have any questions we would be glad to answer them or furnish the desired information for the record.

EXECUTIVE OFFICE OF THE PRESIDENT,  
COUNCIL ON ENVIRONMENTAL QUALITY,  
*Washington, D.C., June 10, 1975.*

HON. ROBERT MORGAN,  
*Chairman, Subcommittee on Buildings and Grounds, U.S. Senate,  
Washington, D.C.*

DEAR SENATOR MORGAN: It is my pleasure to submit for the record these comments on S. 865, the "Public Buildings Cooperative Use Act of 1975." As Chairman of the Council on Environmental Quality, I am reminded daily of the enormous impact Federal actions can have on the man made environment. Federal investments and support in housing, transportation, sewers, defense facilities, energy development, parks, health centers and educational facilities exert an important influence on the form and function of the cities we live in. It is also clear that the location and design of Federal office buildings, courthouses, veterans hospitals, and other structures in cities, an investment of 83 billion dollars, can have important effects on the surrounding environment.

Each year about a billion dollars is spent to construct new Federal buildings across this country and about half that much is spent on some 2.5 billion square feet of office space, it makes good sense to examine the impact of the investment.

In this regard, S. 865 appears to be a very useful piece of legislation. It recognizes and encourages the positive contributions that Federal buildings can make to their surrounding environment. It places special emphasis on making use of existing buildings of historic or architectural significance, both by encouraging their retention and

rehabilitation when already in Federal hands, and by encouraging their purchase or lease to meet Federal space needs. In addition, S. 865 encourages the location of commercial, cultural, educational, and recreational facilities and activities within or near public buildings in ways that add to urban vitality and encourage use both during and outside of regular hours.

The Federal Government has a responsibility to assure that its action contribute to humane and enriching public purposes—particularly when to do so also conserves energy, natural resources and costs. While we would not recommend that our cities become museums of the past, the past's fine architecture preserved and complemented by creative and compatible new construction, where appropriate, can contribute to an environment which is diverse and rich in memory, activity, and design.

There is a precedent for adaptive use of historic buildings by the Federal Government right here in Washington. Across the street from the White House, Lafayette Square Park is edged on two sides with red brick row houses in scale with the Park, the White House and the 18th Century St. John's Church nearby. Some twenty years ago when more courtrooms and office space were found necessary, the houses were to be torn down and replaced with large and unwelcome buildings. Fortunately, because of Presidential concern, there was a stay of execution and the houses were remodeled into handsome offices. As one of the tenants in those townhouses, I think it is the most civilized Federal space in town. Ample new buildings of related materials and detail were added behind the old ones connected by planted courtyards, and the space needs were satisfied by retaining the old and blending the new.

Also in Washington the Old Executive Office Building was saved from the bulldozer and stands today as graceful and useful space next door to the White House. Across the street, the Renwick Museum has been restored and put to public use, and the Federal Home Loan Bank Board Building is under construction, carefully designed to include mixed uses which serve the surrounding area. In other cities, GSA has restored and put to good use older court houses and Federal buildings. In San Francisco, the Old Mint, abandoned and cobwebbed, was restored with care by the U.S. Treasury Department to become a museum of coins and of San Francisco's lively and grand past.

Too often in the past, however, there has been an attempt to centralize Federal office space in cities by putting all agencies, related or not, under one roof in a new building of little architectural distinction. Visually the building has been set off from the others around it and is locked up and left at the end of the day. S. 865 gives us the tools and the mandate to change this picture.

There is an important and growing effort on the part of states, cities and private groups to save and use fine older architecture for office space. This month's Fortune magazine has an excellent article with photos on how to recycle buildings for office space. But perhaps the most relevant example comes from the State of Missouri. In St. Louis, the 9-story Wainwright Building, built in 1890-91 by Dankmar Adler and Louis H. Sullivan, and famed for its brick/terra cotta facade, was

saved from demolition when the State of Missouri decided to restore the building as part of a state office building complex.

Local governments have also begun to act. In Seattle, the City is using some of the old turn of the century granite buildings in and around the restored Pioneer Square for city offices, thus contributing to the restoration, stability and liveliness of that area. The old City Hall in Boston has been modernized into beautiful and elegant private offices. All over the country where old buildings have been renewed, life around them has also been renewed and a pedestrian scale and diversity that gives the city a special character and excitement has been restored. My frank opinion is that if our older cities are saved, they will be saved more by this kind of thoughtful use of existing resources than by demolition and sweeping changes.

S. 865 not only recognizes the opportunity the Federal Government has to contribute to architectural and historic preservation; another section of the bill calls for enriching the spaces in and around the public buildings by a design that encourages pedestrians to move freely in, around and through the buildings, by providing courtyards, restaurants, food stores, shops, banks, theaters, lecture halls, meeting rooms and recreation facilities, not only for those who work in the building but for the convenience and enrichment of the general public, who after all pay the bill for the construction and maintenance of these structures. I might add there is also no reason why these functions and older buildings cannot be adapted to be accessible to the handicapped, whether employees or visitors.

Mixed use in office buildings is not a new idea, but it is an idea that requires the support of this legislation to encourage its widespread application in Federal buildings. In Canada and Sweden, the national governments have taken steps to include a variety of activities in their government buildings. In Nashville, Tennessee, the first five floors of a state office building now under construction will house separate music and drama theaters, a multipurpose rehearsal studio and a state museum—all open to the public. Above will be ten stories of offices for state agencies. This multi-use building will not only be economical to construct and maintain but it will tend to keep people in the currently underutilized downtown area after working hours. I believe the Federal Government can do much to engender the same sense of vitality by allowing a variety of uses in its own buildings. The legislation before you today would be a great help in starting us toward that goal.

With respect to the specific language of S. 865, we have two suggested changes which we believe the Committee should consider:

First, Section 2 of the bill should be revised to apply to leased space as well as purchased or federally constructed space. This would increase considerably the opportunity for adaptive use of older structures in cities.

Second, we believe the bill should encourage the consideration of alternatives using more than one older building or a mix of old and new, especially where the buildings are in close proximity. It should not be necessary to limit the survey to only buildings that can accommodate the entire Federal establishment in the city. Often creative use of groups of smaller buildings can accomplish the same purpose of consolidating agencies from scattered offices to a central location.

In closing, we support S. 865 and urge that it be enacted into law. The Office of Management and Budget has advised us that it has no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RUSSELL W. PETERSON,  
*Chairman.*

○

# Ninety-fourth Congress of the United States of America

## AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,  
one thousand nine hundred and seventy-six*

### An Act

To amend the Public Buildings Act of 1959 in order to preserve buildings of historical or architectural significance through their use for Federal public building purposes, and to amend the Act of August 12, 1968, relating to the accessibility of certain buildings to the physically handicapped.

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

#### TITLE I

SEC. 101. This title may be cited as the "Public Buildings Cooperative Use Act of 1976".

SEC. 102. (a) In order to carry out his duties under this title and under any other authority with respect to constructing, operating, maintaining, altering, and otherwise managing or acquiring space necessary for the accommodation of Federal agencies and to accomplish the purposes of this title, the Administrator shall—

(1) acquire and utilize space in suitable buildings of historic, architectural, or cultural significance, unless use of such space would not prove feasible and prudent compared with available alternatives;

(2) encourage the location of commercial, cultural, educational, and recreational facilities and activities within public buildings;

(3) provide and maintain space, facilities, and activities, to the extent practicable, which encourage public access to and stimulate public pedestrian traffic around, into, and through public buildings, permitting cooperative improvements to and uses of the area between the building and the street, so that such activities complement and supplement commercial, cultural, educational, and recreational resources in the neighborhood of public buildings; and

(4) encourage the public use of public buildings for cultural, educational, and recreational activities.

(b) In carrying out his duties under subsection (a) of this section, the Administrator shall consult with Governors, areawide agencies established pursuant to title II of the Demonstration Cities and Metropolitan Development Act of 1966 and title IV of the Intergovernmental Cooperation Act of 1968, and chief executive officers of those units of general local government in each area served by an existing or proposed public building, and shall solicit the comments of such other community leaders and members of the general public as he deems appropriate.

SEC. 103. The Public Buildings Act of 1959 is amended—

(1) by striking out at the end of section 7(a)(3) the word "buildings;" and inserting in lieu thereof "buildings, especially such of those buildings as enhance the architectural, historical, social, cultural, and economic environment of the locality;";

(2) by striking out "and" at the end of section 7(a)(4), by redesignating section 7(a)(5) as section 7(a)(6), and by inserting the following new section 7(a)(5):



“(5) a statement by the Administrator of the economic and other justifications for not acquiring or purchasing a building or buildings identified to the Administrator pursuant to section 12(c) of this Act as suitable for the public building needs of the Federal Government; and”; and

(3) by redesignating section 12(c) and section 12(d) and all references thereto as section 12(d) and section 12(e), respectively, and by inserting after section 12(b) the following new section 12(c):

“(c) Whenever the Administrator undertakes a survey of the public buildings needs of the Federal Government within a geographical area, he shall request that, within sixty days, the Advisory Council on Historic Preservation established by title II of the Act of October 15, 1966 (16 U.S.C. 470i), identify any existing buildings within such geographical area that (1) are of historic, architectural, or cultural significance (as defined in section 105 of the Public Buildings Cooperative Use Act of 1976) and (2) would be suitable, whether or not in need of repair, alteration, or addition, for acquisition or purchase to meet the public buildings needs of the Federal Government.”.

SEC. 104. (a) Section 210(a) of the Federal Property and Administrative Services Act of 1949 is amended by striking out “and” at the end of paragraph (14), by striking out the period at the end of paragraph (15) and inserting in lieu thereof a semicolon, and by adding after such paragraph the following new paragraphs:

“(16) to enter into leases of space on major pedestrian access levels and courtyards and rooftops of any public building with persons, firms, or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 105 of the Public Buildings Cooperative Use Act of 1976). The Administrator shall establish a rental rate for such leased space equivalent to the prevailing commercial rate for comparable space devoted to a similar purpose in the vicinity of the public building. Such leases may be negotiated without competitive bids, but shall contain such terms and conditions and be negotiated pursuant to such procedures as the Administrator deems necessary to promote competition and to protect the public interest;

“(17) to make available, on occasion, or to lease at such rates and on such other terms and conditions as the Administrator deems to be in the public interest, auditoriums, meeting rooms, courtyards, rooftops, and lobbies of public buildings to persons, firms, or organizations engaged in cultural, educational, or recreational activities (as defined in section 105 of the Public Buildings Cooperative Use Act of 1976) that will not disrupt the operation of the building;

“(18) to deposit into the fund established by subsection (f) of this section all sums received under leases or rentals executed pursuant to paragraphs (16) and (17) of this subsection, and each sum shall be credited to the appropriation made for such fund applicable to the operation of such building; and

“(19) to furnish utilities, maintenance, repair, and other services to persons, firms, or organizations leasing space pursuant to paragraphs (16) and (17) of this subsection. Such services may be provided during and outside of regular working hours of Federal agencies.”.

(b) The Federal Property and Administrative Services Act of 1949 is amended by adding at the end of section 210(e) the following: “The Administrator shall, where practicable, give priority in the assignment of space on any major pedestrian access level not leased under the

terms of subsection (a) (16) or (a) (17) of this section in such buildings to Federal activities requiring regular contact with members of the public. To the extent such space is unavailable, the Administrator shall provide space with maximum ease of access to building entrances.”.

SEC. 105. As used in this title and in the amendments made by this title—

(1) The term “Administrator” means the Administrator of General Services.

(2) The terms “public building” and “Federal agency” have the same meaning as is given them in the Public Buildings Act of 1959.

(3) The term “unit of general local government” means any city, county, town, parish, village, or other general purpose political subdivision of a State.

(4) The term “historical, architectural, or cultural significance” includes, but is not limited to, buildings listed or eligible to be listed on the National Register established under section 101 of the Act of October 15, 1966 (16 U.S.C. 470a).

(5) The term “commercial activities” includes, but is not limited to, the operations of restaurants, food stores, craft stores, dry goods stores, financial institutions, and display facilities.

(6) The term “cultural activities” includes, but is not limited to, film, dramatic, dance, and musical presentations, and fine art exhibits, whether or not such activities are intended to make a profit.

(7) The term “educational activities” includes, but is not limited to, the operations of libraries, schools, day care centers, laboratories, and lecture and demonstration facilities.

(8) The term “recreational activities” includes, but is not limited to, the operations of gymnasiums and related facilities.

## TITLE II

SEC. 201. The Act entitled “An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped”, approved August 12, 1968 (42 U.S.C. 4151–4156), is amended as follows:

(1) The first section is amended by inserting after “structure” the following: “not leased by the Government for subsidized housing programs”; and by striking out in paragraph (2) the following: “after construction or alteration in accordance with plans and specifications of the United States”.

(2) Section 2 is amended—

(A) by striking out “is authorized to prescribe such” and inserting in lieu thereof “shall prescribe”;

(B) by striking out “as may be necessary to insure” and inserting in lieu thereof “to insure whenever possible”; and

(C) by inserting immediately after “Department of Defense” the following: “and of the United States Postal Service”.

(3) Section 3 is amended—

(A) by striking out “is authorized to prescribe such” and inserting in lieu thereof “shall prescribe”; and

(B) by striking out “as may be necessary to insure” and inserting in lieu thereof “to insure whenever possible”.

(4) Section 4 is amended—

(A) by striking out “is authorized to prescribe such” and inserting in lieu thereof “shall prescribe”; and

(B) by striking out “as may be necessary to insure” and inserting in lieu thereof “to insure whenever possible”.

(5) Immediately after section 4 insert the following new section:  
“SEC. 4a. The United States Postal Service, in consultation with the Secretary of Health, Education, and Welfare, shall prescribe such standards for the design, construction, and alteration of its buildings to insure whenever possible that physically handicapped persons will have ready access to, and use of, such buildings.”.

(6) Section 6 is amended—

(A) by inserting immediately after “section 4 of this Act,” the following: “and the United States Postal Service with respect to standards issued under section 4a of this Act”;

(B) by striking out “is authorized”;

(C) by inserting immediately after “(1)” the following: “is authorized”; and

(D) by striking out all that follows “(2)” and inserting in lieu thereof “shall establish a system of continuing surveys and investigations to insure compliance with such standards.”.

(7) By adding at the end thereof the following new section:

“SEC. 7. (a) The Administrator of General Services shall report to Congress during the first week of January of each year on his activities and those of other departments, agencies, and instrumentalities of the Federal Government under this Act during the preceding fiscal year including, but not limited to, standards issued, revised, amended, or repealed under this Act and all case-by-case modifications, and waivers of such standards during such year.

“(b) The Architectural and Transportation Barriers Compliance Board established by section 502 of the Rehabilitation Act of 1973 (Public Law 93-112) shall report to the Public Works and Transportation Committee of the House of Representatives and the Public Works Committee of the Senate during the first week of January of each year on its activities and actions to insure compliance with the standards prescribed under this Act.”.

SEC. 202. The amendment made by paragraph (1) of section 201 of this Act shall not apply to any lease entered into before January 1, 1977. It shall apply to every lease entered into on or after January 1, 1977, including any renewal of a lease entered into before such date which renewal is on or after such date.

SEC. 203. Section 410(b) of title 39, United States Code, is amended by adding at the end thereof the following:

“(8) The provisions of the Act of August 12, 1968 (42 U.S.C. 4151-4156).”.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*