

Carlson 

25701 Science Park Drive
Cleveland, Ohio 44122
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10/31 Copies to

VI Pipe Industry Task Force

VI Electrical Materials Task Force

For your information. This is good news.

President Reagan is expected to sign this bill

Roy
R.T.G.

October 27, 1988

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DR. R. T. GOTTESMAN

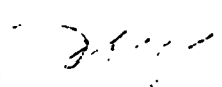
Mr. Roy T. Gottesman
Executive Director
The Vinyl Institute
Wayne Interchange Plaza II
155 Route 46 West
Wayne, NJ 07470

RE: PUBLIC BUILDINGS AMENDMENTS OF 1988 (SEE SEC. 6)

Dear Roy:

Enclosed is a copy of the Congressional Record of October 21, 1988. GSA or any other Federal Agency is no longer subject to the restrictions or local ban on construction products which comply with one of the nationally recognized model building codes.

Sincerely,


Lawrence I. Byrnes
Director of Business Relations

LIB/caj

Enclosure

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THOMAS M. CARL

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stalled by events unrelated to the lawn dart provision. Any further delay will cause more injuries and, possibly, more deaths. I urge my colleagues to vote for this important piece of consumer legislation.●

Mr. BYRD. Mr. President, I ask unanimous consent that the bill be advanced to third reading, passed, and a motion to reconsider laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following joint resolutions just received from the House: House Joint Resolution 573, House Joint Resolution 654, House Joint Resolution 649, House Joint Resolution 604, House Joint Resolution 620, House Joint Resolution 564, House Joint Resolution 446; that these various and sundry resolutions be considered en bloc, advanced to third reading en bloc, passed en bloc, and the motion to reconsider en bloc be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the preambles are agreed to.

NATIONAL CRANIOFACIAL AWARENESS WEEK

The Senate proceeded to consider the joint resolution (H.J. Res. 573) to designate the week beginning November 13, 1988, as "National Craniofacial Awareness Week."

Mr. BYRD. Mr. President, earlier today the House of Representatives passed its joint resolution designating the week of November 13-19, 1988, as "Craniofacial Awareness Week." (H.J. Res. 573). This joint resolution is identical to the joint resolution I introduced earlier this year and was co-sponsored by 46 Senators.

With the designation of the week of November 13-19, 1988, as "National Craniofacial Awareness Week," organizations such as the National Craniofacial Deformities Foundation, let's face it, and the National Foundation for Facial Reconstruction can focus attention on the victims of craniofacial deformity, continuing to provide treatment, education, research, and patient assistance programs to these individuals and their families.

Thousands of children suffer from the physical and emotional trauma brought on by craniofacial deformities. The research, support, and public awareness these organizations are providing is helping victims of craniofacial deformities live normal and productive lives. I urge that the Senate pass this joint resolution.

The joint resolution was ordered to a third reading, read the third time, and passed.

WEEK OF REMEMBRANCE OF KRISTALLNACHT

The joint resolution (H.J. Res. 654) designating November 4 through 10, 1988, as the "Week of Remembrance of Kristallnacht" was considered, ordered to a third reading, read the third time, and passed.

NATIONAL FIREFIGHTERS DAY

The joint resolution (H.J. Res. 649) designating November 12, 1988, as "National Firefighters Day," was considered, ordered to a third reading, read the third time, and passed.

NATIONAL BURN AWARENESS WEEK

The joint resolution (H.J. Res. 604) designating February 5 through 11, 1989, as "National Burn Awareness Week," was considered, ordered to a third reading, read the third time, and passed.

UNCLE SAM DAY

The joint resolution (H.J. Res. 626) designating September 13, 1989, as "Uncle Sam Day," was considered, ordered to a third reading, read the third time, and passed.

NATIONAL EARTHQUAKE AWARENESS WEEK

The joint resolution (H.J. Res. 564) designating the first week of April 1989 as "National Earthquake Awareness Week," was considered, ordered to a third reading, read the third time, and passed.

NATIONAL JUKEBOX WEEK

The joint resolution (H.J. Res. 446) designating October 30 through November 5, 1988, as "National Jukebox Week," was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF CALVIN L. GRAHAM

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1142.

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 810) for the relief of Calvin L. Graham.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill

was passed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WARD R. BURKE U.S. COURTHOUSE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 1473 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 1473) to designate the building which will house the U.S. District Court for the Eastern District of Texas in Lufkin, TX, as the "Ward R. Burke U.S. Courthouse."

The bill was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

IMPROVEMENT OF THE EFFICIENCY AND EFFECTIVENESS OF MANAGEMENT OF PUBLIC BUILDINGS

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2186.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2186) entitled "An Act to improve the efficiency and effectiveness of management of public buildings", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

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

SEC. 2. INCREASED THRESHOLD FOR APPROVAL PROCESS.

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

SEC. 3. LIMITATIONS ON LEASING AUTHORITY.

(a) LIMITATION ON APPROPRIATIONS FOR LEASING CERTAIN SPACE.—Section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 603(a)) is amended by inserting after the second sentence the following new sentence: "No appropriation shall be made to alter any building, or part thereof, which is under lease by the United States for use for a public purpose if the cost of such alteration would exceed \$750,000 unless such alteration has been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives."

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

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

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

"(A) computer and telecommunications operations;

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

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

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

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

SEC. 1. DOLLAR AMOUNT ADJUSTMENT.

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

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

SEC. 2. STATE ADMINISTRATION: SPECIAL RULES FOR LEASED BUILDINGS.

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

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

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

"SEC. 20. SPECIAL RULES FOR LEASED BUILDINGS.

"(a) **SPECIFICATIONS.**—Notwithstanding the provisions of section 210(h)(1) of the Federal Property and Administrative Services Act of 1949, the Administrator shall not make any agreement or undertake any commitment which will result in the construction of any building which is to be constructed for lease to, and for predominant

use by, the United States until the Administrator has established detailed specification requirements for such building.

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

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

"(d) **ENFORCEMENT.**—

"(1) **POST-CONSTRUCTION EVALUATION.**—Upon completion of a building constructed for lease to, and for predominant use by, the United States, the Administrator shall evaluate such building for the purpose of determining the extent, if any, of failure to comply with the specifications referred to in subsection (a).

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

SEC. 3. COMPLIANCE WITH NATIONALLY RECOGNIZED CODES.

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

"SEC. 21. COMPLIANCE WITH NATIONALLY RECOGNIZED CODES.

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

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

"(1) zoning laws, and

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

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

"(c) **SPECIAL RULES.**—

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 4. LIMITATION ON MAXIMUM RENTAL RATE.

Section 322 of the Act of June 30, 1937 (47 Stat. 412; 40 U.S.C. 278a), is repealed.

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SEC. 1. PROTECTION OF FEDERAL PROPERTY.

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

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

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

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

SECTION 1. SPECIAL POLICE.

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

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

(c) CONFORMING AMENDMENTS.—

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

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

SEC. 2. CERTAIN OTHER AUTHORITIES.

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

SEC. 10. TECHNICAL AMENDMENT.

The Act entitled "An Act to designate the United States Post Office and Courthouse in Pendleton, Oregon, as the 'John P. Kennedy United States Post Office and Courthouse'", approved October 17, 1964 (Public Law 98-492; 98 Stat. 2271), is amended by striking out "Dorian" and inserting in lieu thereof "Dorian".

SEC. 11. NAMINGS.

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

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

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

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

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

(B) January 3, 1989.

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

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

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

Mr. BYRD. Mr. President, I move the Senate concur in the House amendment.

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ASPARAGUS MONTH

Mr. BYRD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. J. Res. 137 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title. The legislative clerk read as follows:

A joint resolution (H.J. Res. 137) Designating the month of May as "National Asparagus Month".

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

AMENDMENT NO. 3769

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of the Senator from California (Mr. Wilson).

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) for Mr. Wilson proposes an amendment numbered 3769. On page 2, line 3, after the word "May", insert ", 1989".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3769) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the ques-

tion is on the engrossment of the amendment and third reading of the joint resolution.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution (H.J. Res. 137) was read the third time.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass?

Yes, the joint resolution (H.J. Res. 137) was passed.

The preamble was agreed to.

The title was amended as follows:

Amend the title so as read "Joint Resolution designating the month of May 1989, as "National Asparagus Month".

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF ENERGY CIVILIAN RESEARCH AND DEVELOPMENT AUTHORIZATION ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 997, H.R. 4505, a bill to reauthorize the Department of Energy Office of Civilian Research.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 4505) to authorize appropriations to the Department of Energy for civilian research and development programs for fiscal year 1989.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in *italics*.)

That this Act may be cited as the "Department of Energy Research Initiatives and Technology Competitiveness Act of 1988".

TITLE I—NATIONAL LABORATORY COOPERATIVE RESEARCH INITIATIVES

SEC. 101. SHORT TITLE.

This title may be cited as the "Department of Energy National Laboratory Cooperative Research Initiatives Act".

SEC. 102. DEFINITIONS.

For purposes of this title, the term—

(a) "National Laboratory" means the following Department of Energy laboratories—

(1) Lawrence-Livermore National Laboratory;

(2) Lawrence-Berkeley National Laboratory;

(3) Los Alamos National Laboratory;

(4) Sandia National Laboratory;

(5) Fermi National Accelerator;

(6) Princeton Plasma Physics Laboratory;

(7) Idaho National Engineering Labora-

tory;