

103
**GENERAL SERVICES ADMINISTRATION
PROSPECTUSES**

(103-78)

Y 4. P 96/11:103-78

General Services Administration Pro... **RING**
BEFORE THE
SUBCOMMITTEE ON
PUBLIC BUILDINGS AND GROUNDS
OF THE
COMMITTEE ON
PUBLIC WORKS AND TRANSPORTATION
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRD CONGRESS
SECOND SESSION

SEPTEMBER 26, 1994

H.R. 4967 (DESIGNATING THE THEODORE LEVIN FEDERAL BUILDING AND UNITED STATES COURTHOUSE, DETROIT, MI); H.R. 4910 (DESIGNATING THE THURGOOD MARSHALL UNITED STATES COURTHOUSE, WHITE PLAINS, NY); AND H.R. 4939 (DESIGNATING THE FREDERICK S. GREEN UNITED STATES COURTHOUSE, URBANA, IL)

Printed for the use of the
Committee on Public Works and Transportation



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CONTENTS

	Page
Prepared statement of Hon. Walter R. Tucker III, a Representative in Congress from California	16
Topic: H.R. 4939, to designate the United States courthouse located at 201 South Vine Street in Urbana, IL, as the "Frederick S. Green United States Courthouse", H.R. 4939 (text)	1
Testimony: Ewing, Hon. Thomas W., a Representative in Congress from Illinois	2
Topic: H.R. 4967, to designate the Federal building and United States courthouse in Detroit, MI, as the "Theodore Levin Federal Building and United States Courthouse", H.R. 4967 (text)	3
Testimony: Collins, Hon. Barbara-Rose, a Representative in Congress from Michigan	4
Submission: Dingell, Hon. John D., a Representative in Congress from Michigan, statement	4
Topic: H.R. 4910, to designate the United States courthouse under construction in White Plains, NY, as the "Thurgood Marshall United States Courthouse", H.R. 4910 (text)	8
Testimony: Brown, William Jr., Councilman, city of White Plains, New York ..	8
Prepared Statement	10
Letters and Resolutions supporting the "Thurgood Marshall United States Courthouse"	11
Testimony: Engel, Hon. Eliot L., a Representative in Congress from New York	8
GENERAL SERVICES ADMINISTRATION	
Kimbrough, Kenneth R., Commissioner, Public Buildings Service, General Services Administration, accompanied by Thurman M. Davis, Acting Administrator, Philadelphia Regional Office, GSA	16
Prepared statement of Mr. Kimbrough	00
Responses to post hearing questions from Rep. Traficant	21

GENERAL SERVICES ADMINISTRATION PROSPECTUSES

H.R. 4967 (Designating the Theodore Levin Federal Building and United States Courthouse, Detroit, MI); H.R. 4910 (Designating the Thurgood Marshall United States Courthouse, White Plains, NY); H.R. 4939 (Designating the Frederick S. Green United States Courthouse, Urbana, IL)

MONDAY, SEPTEMBER 26, 1994

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC.

The subcommittee met, pursuant to call, at 3:10 p.m., in room 2253, Rayburn House Office Building, Hon. James A. Traficant (chairman of the subcommittee) presiding.

Mr. TRAFICANT. We will call the meeting to order, and we will begin with hearing relative to testimony on some of the naming bills that have been brought forward by respective Members of the Congress.

I would ask that we maybe hold our opening statements, if that would be agreeable with the committee Members; and I would like to recognize the fine gentleman from Illinois, Mr. Ewing, for his statement on H.R. 4939, the Frederick S. Green United States Courthouse.

The Floor is yours.

[The text of H.R. 4939 follows:]

[H.R. 4939, 103d Cong., 2d Sess.]

A BILL To designate the United States courthouse located at 201 South Vine Street in Urbana, Illinois, as the "Frederick S. Green United States Courthouse"

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

SECTION 1. DESIGNATION.

The United States courthouse located at 201 South Vine Street in Urbana, Illinois, shall be known and designated as the "Frederick S. Green United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Frederick S. Green United States Courthouse".

**TESTIMONY OF HON. THOMAS W. EWING, A REPRESENTATIVE
IN CONGRESS FROM ILLINOIS**

Mr. EWING. Thank you, Mr. Chairman. I want to thank you, and Mr. Duncan when he arrives, for holding this hearing and for allowing me the opportunity to testify in support of legislation I have introduced, H.R. 4939.

This bill serves to designate the recently completed United States Courthouse in Urbana, Illinois, in the 15th Congressional District, as the Frederick S. Green United States Courthouse. Judge Green was born in the city in which this courthouse has been constructed, Urbana, Illinois, on November 23, 1923, and has lived his entire life there. As a star athlete in both football and basketball, he helped lead Urbana High School to a second place in the 1941 Illinois State High School Basketball Tournament.

Following high school, Judge Green entered the U.S. Army, served his country in the field artillery unit of the Army's 37th Division in the South Pacific during World War II. After the war, he entered the University of Illinois in Urbana and starred on the varsity basketball team which won the Big 10 title and placed third in the NCAA Tournament in 1949.

Upon receiving his undergraduate degree, Judge Green continued his education at the University of Illinois, obtaining a law degree and being admitted to the Illinois Bar in 1951. He practiced law in Urbana for five years before being elected Champaign County Judge in 1956, where he served until 1964.

In 1964, Judge Green became a Circuit Judge of Illinois' Sixth Circuit, serving there until 1974.

In 1974, he was elected to serve on the bench in Illinois' Fourth Judicial District where he continues to serve.

Over the years, Judge Green has been an original charter member of the Champaign County Urban League, Chairman of the Illinois Judicial Conference, member of the Executive Committee of the National Conference of State Trial Judges, and was appointed by then Governor Stratton to serve a two-year term on the Illinois Commission on Human Relations.

He is married to the former Carolyn Wildman, and they have three sons.

I cannot think of anyone better suited to have this new Federal courthouse in Urbana named after. Support for this action arises from the community, where this outstanding citizen and jurist has lived and served his entire life. I think all of us should aspire to be so loved and respected by the citizens we serve and live among to have a groundswell of support emerge for the naming of the new courthouse after us. I have received numerous letters and cards in support of this effort, including a letter from the Champaign County Chamber of Commerce, which I would like to enter into the record.

[The information follows:]

AUGUST 4, 1994.

Representative THOMAS EWING,
102 E. Main, Suite 307,
Urbana, IL 61801.

DEAR CONGRESSMAN EWING: The Champaign County Chamber of Commerce hereby endorses the community wide effort to name the new federal courthouse in Urbana after the Honorable Frederick S. Green. Judge Green's long, respected career as a jurist and practicing attorney qualifies him as an appropriate candidate for such a distinction. Please give this recommendation all due consideration.

Sincerely,

MICHAEL J. HENNEMAN, *Chairman, Board of Directors.*

Mr. EWING. Once again, I appreciate the opportunity to testify on this matter and look forward to working with the Members of the subcommittee and the Members of the full committee to see that this bill is passed and brought to the Floor of the House.

Thank you for your time and consideration of this legislation.

Mr. TRAFICANT. I thank the gentleman. That is a very distinguished record. What impressed me very much, though, was the athletic background of the Judge. Being an old athlete myself, it seems like he was very involved in a lot of activities that placed him close to the people. Sometimes we have judges who may not necessarily rub shoulders with a lot of people like the Judge has.

The gentleman from Ohio, is there any statement he would like to make?

Mr. APPLEGATE. Mr. Chairman, Mr. Ewing, I have nothing really to say. I do not know Judge Green, but I do know Tom Ewing, and his word is as good as gold; and if he says that this gentleman is worthy of this, then that is fine with me.

Mr. EWING. Thank you.

Mr. TRAFICANT. Does the gentlewoman from Texas have any statement she would like to make?

Ms. JOHNSON. I associate myself with the remarks that have just been made. Thank you.

Mr. TRAFICANT. I would like to say that we will be reporting the bill today, and it will be at full committee on Wednesday.

I want to concur with the remarks of Mr. Applegate. We are glad to have you here testifying before us and we appreciate your being here.

Mr. EWING. Thank you for your courtesy. Thank you very much.

Mr. TRAFICANT. The Chair would like to call Congresswoman Barbara-Rose Collins, and we welcome her. We will give her an opportunity to proceed.

Ms. COLLINS. Thank you, Mr. Chairman.

Mr. TRAFICANT. Barbara-Rose is here today to testify on bill number H.R. 4967, the Theodore Levin U.S. Courthouse.

Barbara-Rose, the floor is yours.

[The text of H.R. 4967 follows:]

[H.R. 4967, 103d Cong., 2d Sess.]

A BILL To designate the Federal building and United States courthouse in Detroit, Michigan, as the "Theodore Levin Federal Building and United States Courthouse"

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

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 231 W. Lafayette in Detroit, Michigan, shall be known and designated as the "Theodore Levin Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Theodore Levin Federal Building and United States Courthouse".

**TESTIMONY OF HON. BARBARA-ROSE COLLINS, A
REPRESENTATIVE IN CONGRESS FROM MICHIGAN**

Ms. COLLINS. Thank you, Mr. Chairman. Before I begin, I would like to introduce a statement for the record from the Honorable John D. Dingell on this bill.

Mr. TRAFICANT. We are in receipt of that, and would I ask unanimous consent that it be included and incorporated into the minutes of this meeting. Hearing no objection, it is so ordered.

[The information follows:]

STATEMENT OF THE HONORABLE JOHN D. DINGELL

Mr. Chairman, I appreciate the opportunity to state my strong support for the legislation offered by my esteemed colleague, Barbara-Rose Collins. H.R. 4967 would pay a high tribute to one of the finest public servants I ever have known, Judge Theodore Levin.

I was fortunate to have known Judge Levin. Having served as his law clerk in the earliest days of my career, he taught me many lessons about the law as well as the meaning of dedicated public service.

Many Michiganians remember how Judge Levin's contributions epitomized the spirit which made Detroit a great city. During his life time, Detroit became known as the Motor City, and then the Arsenal of Democracy. People from across the Nation, and around the world, came to the Detroit of Judge Levin's day because of abundant opportunity in a prospering city.

Judge Levin served the Eastern District of Michigan during Detroit's golden years, a time when this city was known as an example of the American dream. It is fitting that we place the name of Theodore Levin on this prominent building, at the center of a city rebuilding itself. By doing so, it reminds us that Detroit possesses a historical foundation which strongly supports its renaissance.

Judge Levin's appointment as a Federal judge was just one high point of a very distinguished career. Long before his appointment to the Federal bench by President Harry Truman in 1946, Judge Levin served as a progressive advocate of fairness in our rapidly-changing society. One unpopular cause undertaken by Judge Levin was his fight against the Michigan Alien Registration and Fingerprinting Act of 1931. This act contained cruel requirements directed against immigrants, singling them out for humiliation. In response, then-attorney Theodore Levin joined others who fought the constitutionality of this legislation in Federal court—and won.

Taking the bench after the Second World War, Judge Levin quickly gained a reputation as an astute jurist, one who could discern the relevant issues in remarkably short order to arrive at a just decision. The judge earned a nationwide reputation for his advocacy of enlightened sentencing practices and pioneered the use of sentencing councils in the Eastern District of Michigan.

In addition, Judge Levin was an active and dedicated member of his community, serving in leadership positions for many local charities and foundations. His contributions during this era were indicative of the can-do spirit which moved Detroit to great heights in the middle of this century.

After Judge Levin died in 1970, a memorial tribute stated the following:

"He exercised the awesome power of a Federal judge with compassion. While demanding perfection of himself, he was constantly aware of the frailties of human nature. He died as he had lived, with a deep sense of responsibility and an attitude of humility. He was a great judge."

Mr. Chairman, the verity of this statement has only strengthened over time. Early this past summer, when I was contacted by another of Michigan's most respected Federal jurists, Judge John Feikens, I instantly accepted his proposal that I support the naming of our courthouse for Judge Levin. It must be said that Judge

Feikens has worked tirelessly on behalf of the legislation before this subcommittee today. The citizens of Michigan owe him a debt of gratitude for his efforts.

With the solid support of Michigan's legal community, I urge the Subcommittee to approve H.R. 4967, and look forward to the bill's enactment.

Mr. TRAFICANT. The gentlewoman is recognized.

Ms. COLLINS. Mr. Chairman, thank you for giving me the opportunity to testify before the Subcommittee on Public Buildings and Grounds. I am here today to speak in support of H.R. 4967, a bill to designate the Federal building and United States courthouse as the Theodore Levin Federal Building and United States Courthouse.

Judge Theodore Levin was an institution in the State of Michigan, and it is with great pleasure and privilege that I testify to have the Federal building and courthouse located at 231 West Lafayette Street in Detroit, Michigan named in his honor.

Judge Theodore Levin served the people of the Eastern District of Michigan as United States District Judge from the time of his appointment by President Harry S. Truman in 1946 until his death in 1970. He served as Chief Judge from 1959 until 1967. Judge Levin exemplified the hallmarks of a good judge, including attributes of fairness, compassion, public service, and humility, and inspired lawyers throughout this country to be committed to and love the practice of law.

As Chief Judge, his outstanding leadership was demonstrated in many ways. In 1960, he created three-judge sentencing councils for the purpose of reducing disparate sentencing practices among the judges of the Court. Such councils were later adopted in other courts and embodied in the American Bar Association's standards relating to sentencing alternatives and procedures in 1968.

As a result, Theodore Levin earned a nationwide reputation for his enlightened sentencing practices. Disparate sentences allocated to criminals for the same type of crime were a constant source of concern to him. He thought that this disparity could be minimized if all judges, or groups of judges, in a multidistrict court would participate in the sentencing process. He pioneered and developed the use of Sentencing Councils in the Eastern District of Michigan. This concept has been successfully utilized for years in the Eastern District of Michigan and has been hailed as an outstanding innovation in the administration of justice.

He also served his community outside of his work on the bench. It was his belief in the power of the community that initially attracted him to the practice of law. He believed that society would be a much better place if we contributed our time and energy to our respective communities.

As a Detroiter, he gave outstanding service and leadership to the Detroit Community Fund, the Council of Social Agencies, the Big Brother Conference, the United Health and Welfare Fund of Michigan, and the Detroit Round Table of Catholics, Jews and Protestants. He was a board member and past President of the United Jewish Charities of Detroit, Chairman of the Executive Committee and past President of the Jewish Welfare Federation of Detroit. These are just a few of his community commitments.

By naming a public building, especially a courthouse, after Judge Levin, we can inspire the employees and those that visit the build-

ing to aspire to higher levels of public service and a commitment to a higher standard of law. I am pleased to join the countless others who support the naming of this Federal building and the United States courthouse as the Theodore Levin Federal Building and United States Courthouse.

Mr. TRAFICANT. Thank you. I want to make a brief comment if Judge Levin was good enough for Harry Truman, he is good enough for Mr. Traficant. Period.

Mr. Applegate.

Mr. APPLGATE. Well, the name of Levin, of course, is quite a name in Michigan; and Barbara-Rose, if you are here and talking about him, he must certainly be an outstanding individual, certainly as an outstanding jurist, one who has contributed much to society and to mankind. And so I for one appreciate your words in his behalf.

Ms. COLLINS. Thank you.

Mr. TRAFICANT. The gentlewoman from Texas.

Ms. JOHNSON. Thank you, Mr. Chairman. I have only been here a short time, but I have learned that if Barbara-Rose Collins is for something, it is probably okay. So I concur.

Ms. COLLINS. Thank you.

Mr. TRAFICANT. We also know that this gentleman is a relative of the Senator and of a Congressman, and he has a distinguished record; but I think it is very beautiful that you have come before us, and I think your involvement was special.

Ms. COLLINS. Thank you.

Mr. TRAFICANT. So I want to concur with all of the comments that were made here, and we will be reporting the bill today. It will go to the full committee on Wednesday—and I failed to tell Congressman Ewing, but this coming Monday, the 3d of October, it will be scheduled for consideration on the Floor, so you can be prepared for that.

Ms. COLLINS. Very good. Thank you very much.

Mr. TRAFICANT. Thank you for being here.

Ms. COLLINS. We also have a Levin who is a distinguished Supreme Court Justice in Michigan now. It is a very distinguished name in Michigan.

Mr. TRAFICANT. Yes. Your name is becoming quite distinguished as well, I might add. Thank you for coming in. We appreciate it.

Ms. COLLINS. Thank you.

Mr. TRAFICANT. There are a couple of other Members we are waiting for. But they are not here. I have never seen such an outstanding group of GSA people in my life. I am telling you right now, the Redskins shouldn't be in trouble; they should be drafting the GSA people. Ken Kimbrough could be a great quarterback, they could use a little help there. We look at Lawson and Graf and Davis and, you know, this sounds like the Green Bay Packers and the Los Angeles Rams.

Now, if you are out here trying to intimidate me, that won't work.

I think Mr. Kimbrough might be willing to come to the table so we can go forward with our hearing and invite him up.

Mr. KIMBROUGH. With your permission, could I ask Mr. Thurman Davis to join us?

Mr. TRAFICANT. If these chairs are big enough, you can bring up anybody and everybody you want.

I would like to state once more for the record the subcommittee's position regarding Federal real estate practice. As you are aware, at the last subcommittee hearing the subcommittee did not—did not—authorize any GSA leases for fiscal year 1995. Many of those leases were for Federal agencies which will have a long-term, stable presence in several cities across the country.

The subcommittee has consistently held the position that GSA should be acquiring an equity position in regard to these long-term leases. Unfortunately, the acquisition-of-facilities program was not authorized for fiscal year 1995. However, the subcommittee continues to support the principles of sound asset management in the examination of various real estate acquisition strategies.

In order to demonstrate the subcommittee's commitment to change, I reviewed the fiscal year 1995 lease package and have decided to move forward with authorizing two short-term leases and a small sample of long-term leases. This decision was made after much deliberation and analysis of the existing lease situation, especially here in the metropolitan Washington, DC area.

Not to move forward, especially in the Pentagon rehabilitation project, the EPA building in Kansas City, Kansas, and the Army Corps in Walton, Massachusetts, would cause waste of taxpayers' dollars in lost time and lost opportunity. Therefore, I recommend the subcommittee authorize the lease prospectuses of DOD in Northern Virginia, the EPA in Kansas City, Kansas, and the Army Corps in Walton, Massachusetts.

Additionally, I requested that the staff review the lease acquisition program to determine a mix of leases which would be representative of GSA's long-term leasing need. The EPA in San Francisco, California, the International Trade Commission in Washington, DC, multiple agencies in Dallas, Texas, the EPA in Philadelphia, Pennsylvania, and the Department of State in Northern Virginia make up the sample and are leases ranging in requirements from 195,000 square feet for the International Trade Commission, to almost one million square feet in Dallas, Texas for a multiple agency consolidation.

Although funds are not available for outright purchase and, due to the scoring rules, GSA is hindered in any effort to try and finance real estate, I believe the subcommittee should authorize these particular leases and test the marketplace for any innovative opportunities to acquire an ownership position. Please note that the committee resolution requires—underscore "requires"—that GSA report back to the committee before any acquisition strategy is finalized.

The committee wishes to emphasize that it considers a long-term lease as one of the choices on their acquisition strategy, and the committee requires notification before any long-term lease is executed.

The subcommittee will also mark up two 11-B reports, one for Corpus Christi, Texas and one for Ohio. The subcommittee will amend the resolution for Savannah, Georgia, which will expand the delineated area and the increased competition. I make these statements for the sake of expediting our concerns here.

And now the distinguished gentleman, Mr. Kimbrough, Commissioner of Public Buildings and Grounds, is recognized.

Mr. KIMBROUGH. Thank you, Mr. Traficant. May I make a short statement?

Mr. TRAFICANT. Would you be so kind if I could ask the two of you not to leave, but maybe to just step aside and have Representative Engel come forward to expedite his business. The Floor duty will be calling, and he is here to testify on the Thurgood Marshall named bill.

The gentleman from New York is recognized.

[The text of H.R. 4910 follows:]

[H.R. 4910, 103d Cong., 2d Sess.]

A BILL To designate the United States courthouse under construction in White Plains, New York, as the "Thurgood Marshall United States Courthouse"

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

SECTION 1. DESIGNATION

The United States courthouse under construction at 300 Quarropas Street in White Plains, New York, shall be known and designated as the "Thurgood Marshall United States Courthouse".

SEC. 2 REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Thurgood Marshall United States Courthouse".

TESTIMONY OF HON. ELIOT L. ENGEL, A REPRESENTATIVE IN CONGRESS FROM NEW YORK AND WILLIAM BROWN, JR., COUNCILMAN, PLAINS, NY

Mr. ENGEL. Thank you, Mr. Chairman. It is always a pleasure.

Mr. TRAFICANT. Have you brought somebody with you here?

Mr. ENGEL. Yes. I am wondering if I could ask him to come up. It is Councilman William Brown, Jr. of White Plains, New York.

Mr. TRAFICANT. Councilman William Brown, Jr. is welcome here and asked to be seated.

Welcome, Councilman.

Representative Engel, you are recognized.

Mr. ENGEL. Thank you, Mr. Chairman. I want to thank you for inviting me to testify here today, and I am here, of course, to urge passage of a bill which would commemorate one of the most distinguished African-Americans of this century. I am here on behalf of the Westchester Congressional delegation; or I might say there are four of us in the delegation, two Democrats and two Republicans—Congresswoman—our colleague, Congresswoman Nita Lowey; our colleague, Congressman Hamilton Fish; and our colleague, Congressman Ben Gilman, as well as myself—and we all urge that the United States Courthouse under construction in White Plains, New York be designated as the Thurgood Marshall United States Courthouse.

As representatives of the Westchester area, I am speaking on behalf, as I mentioned, of all four of us to urge the bestowal of this honor in memory of an historic and influential man, and the ideals for which he stood.

Thurgood Marshall's struggle to end segregation and racism in this country spanned five decades. His early years were spent in

the South as the national counsel for the NAACP, furthering the cause of civil rights and challenging segregated education. He chose to fight the battle of civil rights on a different front when he accepted President Kennedy's appointment to the United States Court of Appeals for the Second Circuit. As Solicitor General, he argued cases such as the Voting Rights Act of 1965, abolishing literacy requirements, voter qualification tests, and of course, poll taxes.

Thurgood Marshall, the great grandson of an African man brought to this country as a slave will be best remembered, of course, as the first African American to hold the position of Supreme Court Justice. As a Supreme Court Justice, Mr. Marshall continued his work in the name of individual rights for minorities, women and all of those who for so long had no voice in our government.

Mr. Chairman, the Westchester County Board of Legislators, the Common Council of the City of White Plains, the African-American Federation of Westchester, New York, the White Plains-Greenburgh NAACP, the Westchester County Bar Association and the constituents of Westchester County have asked that the name of the courthouse at 300 Quarropas Street in White Plains, New York be named for Thurgood Marshall.

Sixty years ago, Mr. Marshall was at the forefront of a movement at its inception. The struggle for civil rights for minorities is one which we continue today. In a statement I have submitted for Mr. Leroy Wilson of White Plains, the sentiments of supporters of this memorial are expressed most eloquently when he states, quote:

This building will stand for centuries as a living memorial to this great lawyer. It will tell all of those who pass beneath the portals that bear his name that the underdog, the forgotten and the despised might find justice there along with the rich, the powerful, and the privileged.

I must say that just Saturday night I had the occasion to attend the 25th wedding anniversary of my good friend, Reverend Gregory Smith and his wife, and it was right across the street from where the courthouse is going up, and as I looked at that courthouse and saw it—and it is really a beautiful edifice—I was thinking how appropriate it is to have this named after Thurgood Marshall.

I want to submit the testimony of the various groups and various individuals who have all urged the—again, unanimously have all urged that this courthouse be named after Thurgood Marshall. I want to thank you again for having me testify here today.

I would now like to call upon my good friend, Councilman William Brown, Jr., of White Plains, New York.

Mr. TRAFICANT. Councilman, you are recognized.

Mr. BROWN. Thank you, Mr. Chairman.

Mr. Chairman, I would like to express my sincere thanks for this opportunity to testify before the Committee on Public Works and Transportation, the Subcommittee on Public Buildings and Grounds, at the hearing on bill H.R. 4910, to designate the United States Courthouse under construction at 300 Quarropas Street in White Plains, New York, as the Thurgood Marshall United States Courthouse.

I appear before you today as a current member of the White Plains Common Council, sponsor of the resolution which was pre-

sented and unanimously endorsed by our Mayor, Sy Schulman, and Common Council members which include Mrs. Rita Malmud, Mr. Robert Greer, Mrs. Mary Ann Keenan, Mrs. Pauline Oliva, Mr. John Martin and myself at our May 2nd, 1994 Council meeting.

I also come before you as a lifelong resident of White Plains, who grew up only four blocks from this inner city location adjacent to our largest grouping of public housing in our city, and a city which has seen the positives and negatives of urban renewal.

This Federal courthouse construction project is not unique in our Nation. However, its urban renewal target area adjacency makes it possibly one of the few Federal courthouses in which its location is strategic to uplifting this community and consistent with the specific and ultimate life-enriching goals our city is attempting to achieve. The quality-of-life goals of our city may not be fully accomplished; however, the progress made toward this goal can and will be significantly enhanced by the tangible cooperation represented by the construction of this courthouse of both the Federal and local governments in meeting the constituent needs and attaining a better life for all of our citizens.

This bill, as Congressman Engel has indicated, has the bipartisan support of our four local Members of Congress, the Westchester legal community and a host of community and civic sorority and fraternity organizations.

Thank you again for giving me this opportunity to speak before you. As I close, I might remind you that I have letters from the Common Council, I have the resolution from the Common Council; and I would like to have them read into the record and maintained.

Mr. TRAFICANT. I ask unanimous consent that all extraneous material and information brought forward by both Representative Engel and Councilman Brown be incorporated into the record. Without objection, it is so ordered.

[The information follows:]

PREPARED STATEMENT OF WILLIAM BROWN, JR.

Mr. Chairman Traficant, and members of the Subcommittee on Public Buildings and Grounds, good afternoon.

I would like to express my sincerest thanks for this invitation to testify before the Committee on Public Works and Transportation, Subcommittee on Public Buildings and Grounds, hearing on Bill H.R. 4910, to designate the United States courthouse under construction at 300 Quarropas Street in White Plains, NY, as the "*Thurgood Marshall United States Courthouse*."

I am William Brown, Jr., and I appear before you today, as a current member of the City of White Plains Common Council, sponsor of the Resolution, which was presented by me and unanimously endorsed by our Mayor, Sy Schulman, and the Common Council which includes Mrs. Rita Malmud, Mr. Robert Greer, Mrs. Mary Ann Keenan, Mrs. Pauline Oliva, Mr. John Martin and myself at our May 2, 1994 Council meeting.

I also come before you as a life-long resident of White Plains, who grew up four blocks from this inner city location adjacent to our largest grouping of public housing in our city and a city, which has seen the positives and negatives of urban renewal.

This Federal courthouse construction project is not unique in our Nation. However, its urban renewal target area adjacency makes it possibly one of the few Federal courthouses in which its location is strategic to uplifting this community and consistent with the specific and ultimate life-enriching goals our city is attempting to achieve. The quality of life goals of our city may not be fully accomplished however the progress made toward this goal can and will be significantly enhanced by the tangible cooperation represented by the construction of this courthouse of both

the Federal, and local Governments in meeting the constituent needs and attaining a better life style for all our citizens.

This bill has the bipartisan support of our four local members of Congress, the Westchester Legal Community and a host of community, civic sorority and fraternity organizations representing all races and ethnic groups. Thank you again for this opportunity.

The historical concept of America as a melting pot, where individuals from all nations join together to seek new and equal living is being seriously tested and we are slowly becoming a society where we have shifted from assimilation to a celebration of ethnicity. This upsurge of ethnicity has had the healthy consequence of boiling to the top of the pot the long overdue recognition of the outstanding individual accomplishments of African-Americans along with other hyphenated Americans. It is too often that persons in positions of great responsibility pass through life, making no difference in their own personal life and contributing even less to mankind in its most urgent hope for a better quality of life. Justice Marshall would notice—let this be his fate.

United States Justice Thurgood Marshall, made a significant difference in our Nation's history through his legal prowess. His distinguished legal background having an indelible effect on the history of this Nation and the architecture of our practice of freedom.

He was the former General Counsel of the National Association for the Advancement of Colored People and the Founder and Incorporator of the NAACP Legal Defense and Education Fund, better known as "*The Inc. Fund.*"

Justice Marshall, one of the greatest trial and appellate lawyers in the history of this Nation, was the first African-American to sit as a judge on the U.S. Court of Appeals for the Second Circuit. The first African-American to serve as U.S. Solicitor General and the first African-American to sit as an Associate Justice of the Supreme Court.

Justice Marshall pleaded the nationally renowned case of *Brown vs. the Board of Education* which tore down the barriers of segregation in the Public Schools across our great Nation. Beyond the legal implication of this decision, the elimination of these barriers has promoted equality and recognition of individual difference setting a foundation for enduring human relationships and effects for the way we treat each other with respect and dignity, valuing individual and cultural differences.

As Justice Marshall symbolized, we want a standard of bravery in the face of massive discrimination and his absence of fear in the face of the oppression of a people's basic freedoms to be edified and become a permanent source from which individuals may recognize that it is in difference nothing must deter recognition of their capabilities to satisfy their personal objectives in life.

White Plains, New York, a great city and the County Seat of Great County, is proud to be the site of such a monstrous undertaking. The \$32.5 million Courthouse, currently nearing completion, will handle civil and criminal cases and will alleviate crowded temporary Federal District Court House Facilities elsewhere in White Plains.

This development has been supported by our city leaders with the following documentation:

WHITE PLAINS, NY,
May 2, 1994.

To the Representative Mayor and Members of the Common Council:

Today in America, there is a tremendous need for more real examples of the positive contributions of our public officials. Public servants whose personal commitment and performance separate them from the masses and rank them among the fewest of the few, must be permanently memorialized as a symbol for all to see. The American civil rights movement, the movement for human dignity and equality, the movement from which our current emphasis on diversity is sources, is the greatest movement this nation and perhaps the world has ever seen.

The implementer was Dr. Martin Luther King, however, the legal architect was Justice Thurgood Marshall and we must not let his living have been in vain. We must recognize and permanently memorialize his life in as many ways as possible.

Therefore, I respectfully request our Mayor and Common Council adopt the accompanying resolution requesting that the Federal Government Office of General Services and Administration name the new Federal District courthouse in White Plains, the Thurgood Marshall Federal Courthouse.

Sincerely,

WILLIAM BROWN, Jr., *Councilman.*

CITY OF WHITE PLAINS,
White Plains, NY.

To the Representative Mayor and Members of the Common Council:

DEAR MAYOR AND COUNCIL MEMBERS: The Commission on Human Rights wishes to express its strong support of the naming of the new Federal Court Building in honor of United States Supreme Court Justice Thurgood Marshall.

This action would reflect the will of the city governing body by showing its appreciation of contributions by individuals of diverse origins. The Council, by taking this step, would demonstrate leadership to the entire community by honoring an individual whose contributions came through the highest source in the land and reflect the highest principles.

This effort would become a permanent reminder to the citizens of White Plains that Justice Marshall's work accrues benefits to all humanity and has lasting and far-reaching effects.

Sincerely,

HARRY O. BRIGHT, Jr.,
Executive Director.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS IN SUPPORT OF NAMING THE NEW FEDERAL COURTHOUSE IN WHITE PLAINS IN MEMORY OF THURGOOD MARSHALL

Whereas, there are significant examples of high achievement by African-Americans in all areas of private and public endeavor; and

Whereas, the important roles played by African-Americans in the positive growth and development of America too often go untold, unrewarded, and unaccounted for the great history of this Nation; and

Whereas, no single American has so eloquently absorbed, understood, portrayed, and projected the manner in which our government can move to satisfy our commitment to equal justice for all as former Supreme Court Justice Thurgood Marshall; and

Whereas, there is presently under construction in White Plains a new Federal courthouse; and

Whereas, the naming of the new federal courthouse in memory of Thurgood Marshall would both honor the individual and provide a tangible symbol in White Plains of the ideals for which Thurgood Marshall stood; now, therefore, be it

Resolved, that the Common Council of the city of White Plains hereby expresses its support for naming the new Federal courthouse now being built in White Plains in memory of former Supreme Court Justice Thurgood Marshall; and be it further

Resolved, that the City Clerk is hereby directed to send certified copies of this resolution to the members of the House of Representatives who represented White Plains, to the Senators from the State of New York, and to the Federal Government Office of General Services and Administration.

In closing, I would first like to recognize the bi-partisan support of the following members of Congress: Representative Eliot L. Engel, Representative Hamilton Fish, Representative Ben Gilman, Representative Nita Lowey.

Who have recognized the great achievements of Justice Marshall and have moved with their personal support, to introduce H.R. 4910, a bill to designate the United States Federal Courthouse at 300 Quarropas Street in White Plains, New York, as the "*Thurgood Marshall United States Courthouse*." Inspired by his living values and aspiring to memorialize Justice Marshall's standards, personal conduct and commitment that has had such a personal effect on our nation the following partial list of organizations in support this effort and ask your unanimous consent and approval of this legislation.

City of White Plain Common Council, County of Westchester, African-American Federation of Westchester, Black Democrats of Westchester, Black Republicans of Westchester, Black Women's Political Caucus of Westchester, Black Lawyers Association, African American Cultural Foundation, Westchester Pan Hellenic Council. And many many more.

Again, let me thank you for allowing me the privilege to testify on this important legislation.

A growing constituency in the African-American Community continuously work to provide significant examples of high achievement by African-Americans in all areas of private and public endeavors. The important roles we have played in the positive growth and development of America too often goes untold, unrewarded, and unaccounted for in the great history of this nation.

I, therefore, respectfully solicit your assistance and your support to have the new Federal courthouse currently under construction, in downtown White Plains, named in the memory of our outstanding Supreme Court Justice Thurgood Marshall. I am quite certain you will agree that no single American has so eloquently absorbed, understood, portrayed, and projected the manner in which our Government can move to satisfy our commitment of equal justice for all.

Will you please join with us to make yet another American dream come true.

WHITE PLAINS, NY,
September 27, 1994.

Re: Naming of the United States Courthouse in White Plains, New York after the Late Justice Thurgood Marshall

Hon. ELIOT ENGEL,
U.S. Congressman,
The Capitol, Washington, DC.

DEAR CONGRESSMAN ENGEL: I regret to say that I will not be able to attend the hearing in Washington today to support you in your testimony before the Subcommittee on Public Buildings and Grounds. I was unable to re-schedule an Examination Before Trial to permit me to be present.

I therefore submit the following statement in support of the legislation that you are sponsoring.

When I first conceived of the idea to request that the new United States Courthouse in White Plains be named after the late Justice Marshall I did not know how the idea would be received. I am happy to say that all those with whom I have spoken, including Congresspersons from this general area, have unanimously endorsed this idea.

I think that few persons who did not grow up in the segregated South as an Afro-American, as I did, can comprehend what a great honor you are undertaking to bestow on the State of New York, for as far as I know, there is no other effort underway in this State to have a courthouse building named after Justice Marshall. Those who knew him as a Justice of the Supreme Court of the United States might not know or might have forgotten that Thurgood Marshall practiced law in this State; he sat on the United States Court of Appeals for the Second Circuit, which is domiciled in this State.

Having grown up with a steady menu of statements by southern politicians and others which were designed to forever keep Afro-Americans (a term the Justice approved of) in an inferior position in this society, I was always encouraged and given hope when I read about the courageous legal battles that Thurgood Marshall fought as a lawyer in both civil and criminal cases.

This building will stand for centuries as a living memorial to this great lawyer. It will tell all those who pass beneath the portals that bear his name that the underdog, the forgotten, and the despised, might find justice there along with rich, the powerful and the privileged.

There are those who might argue that there are others from this geographic area who are eminent jurists that deserve this honor as well. Who among these eminent jurists was denied admission to law school because of the color of their skin? Which of these people achieved as much as Thurgood Marshall did with the resources that he had in comparison to the resources that were allied against him? Which of them had to practice law with death as his or her ever-present companion because of the color of his skin? Who among them breathed as much life into the Constitution of the United States which changed the law, the customs, and the mores of so many institutions here and abroad? I do not know the history of such persons. There is nothing that I can add to Justice Marshall's extensive and well-documented history as a lawyer and as a Judge.

In closing, I would like to further request that a suitable bust or statute of Justice Marshall be erected in an appropriate place at the courthouse and that the appropriate persons create a permanent display of documents and photographs in the courthouse to give all of those who come there an appreciation of the life of the man after whom the building is named.

Very truly yours,

LEROY WILSON, Jr.

MARCH 3, 1993.

RESOLUTION

Whereas, Thurgood Marshall was one of the greatest trial and appellate lawyers in the history of this Nation; and

Whereas, in September, 1961, President John F. Kennedy appointed Thurgood Marshall as the first Afro-American to sit as a Judge on the United Court of Appeals for the Second Circuit; and

Whereas, in July, 1965, President Lyndon B. Johnson appointed Thurgood Marshall as the first Afro-American to serve as United States Solicitor General; and

Whereas, on June 13, 1967, President Lyndon B. Johnson appointed Thurgood Marshall as the first Afro-American to sit as an Associate Justice of the Supreme Court of the United States of America beginning October 2, 1967; and

Whereas, during his tenure as Associate Justice of the Supreme Court of the United States of America Justice Thurgood Marshall also served as the Circuit Justice for the United States Court of Appeals for the Second Circuit; now therefore, be it

Resolved, that the White Plains-Greenburgh Branch of the National Association for the Advancement of Colored People ("NAACP") hereby urges the proper public officials to take the appropriate steps to name the new Federal Courthouse to be constructed in the City of White Plains, New York the "Thurgood Marshall United States Courthouse".

RESOLUTION TO NAME THE UNITED STATES COURTHOUSE IN THE CITY OF WHITE PLAINS, NY AFTER THURGOOD MARSHALL

Whereas, Thurgood Marshall was one of the greatest trial and appellate lawyers in the history of this nation; and

Whereas, in September, 1961, President John F. Kennedy appointed Thurgood Marshall as the first African-American to sit as a judge on the United Court of Appeals for the Second Circuit; and

Whereas, in July, 1965, President Lyndon B. Johnson appointed Thurgood Marshall as the first African-American to sit as an Associate Justice of the Supreme Court of the United States of America beginning October 2, 1967; and

Whereas, during his tenure as Associate Justice of the Supreme Court of the United States of America Justice Thurgood Marshall also served as the Circuit Justice for the United States Court of Appeals for the Second Circuit: Now, Therefore, be it

Resolved, That the African-American Federation of Westchester ("AAFW") hereby urges the proper public officials to take the appropriate steps to name the new Federal Courthouse to be constructed in the city of White Plains, New York the "Thurgood Marshall United States Courthouse".

AFRICAN AMERICAN
FEDERATION OF WESTCHESTER,
North White Plains, NY, September 26, 1994.

The African-American Federation of Westchester is a Federation of African-American Organizations and Institutions that are located in Westchester County. A partial list of the members include: Community Baptist Church of Yonkers, Shiloh Baptist Church of Tuckahoe, The African-American Men and Westchester, Delta Sigma Theta Sorority, Omega Psi Phi Fraternity, White Plains/Greenburgh NAACP, The Urban League, The Black Democrats of Westchester, The Black Republicans of Westchester, Zeta Phi Beta Sorority, Alpha Kappa Alpha Sorority, The National Council of Negro Women, Alpha Phi Alpha Fraternity, Phi Beta Sigma Fraternity, The Pan Hellenic Council.

The Federation Strongly Supports the naming of the new Federal Court House in White Plains after the late Justice Thurgood Marshall. Justice Marshall is one of the greatest Americans of our time. He was a pioneer in the civil rights struggle for all Americans. The Federation feels that is fitting and proper to name this new Federal Court House in honor of an American that believed very strongly in equal justice for all regardless of Race, Creed, or Color. Justice Marshall devoted his life to the cause of insuring that the Rights of all Americans, as guaranteed by the Constitution, could be realized. The enclosed resolution speaks to the relevance of Justice Marshall's work in the justice arena.

The African American Federation of Westchester Appreciates your support of the resolution.

FRED CAMPBELL, *Chairman.*

NAACP,
WHITE PLAINS-GREENBURGH BRANCH,
White Plains, NY, September 26, 1994.

The White Plains-Greenburgh NAACP strongly supports the naming of the Federal Court House located in the City of White Plains in honor of the late Thurgood Marshall. The courthouse is located on a corner facing a Catholic Church, another beside a recently built police station. A third side overlooks the County Court House while the most impressive view overlooks segregated low income housing whose residents are predominately African-American.

It is only fitting that this newly constructed Federal edifice be named in honor of an American that believed so strongly in equal justice for all Americans that he devoted his life to the struggle to obtain the values that we all hold dear. Our resolution speaks to the relevance of the works of the late Chief Justice to the Nation as well as to Westchester County in particular.

We urge your support of our resolution.

YVONNE D. JONES, *President.*

Mr. TRAFICANT. Councilman Brown, you have honored us. You have honored us, being here with a very, very valued and respected Member of our Congress.

You mentioned the name Thurgood Marshall; you need not go any further with this Member, and I am sure with any other Member of this committee. We are very honored that you are here, that you have taken the time to come down.

The only other comment I wanted to make is that you talked about some urban renewal, and I grew up in one of those areas that I referred to later as "urban removal." Let's make sure that we have urban renewal in memory of this great judge, not urban removal, if you know what I mean.

But we are so honored to have you here.

I defer to Chairman Applegate from Ohio.

Mr. APPLGATE. Thank you very much, Councilman. Good to have you here, Eliot.

I would concur with the Chairman's remarks, and also just mention that the mention of Justice Thurgood Marshall's name brings to mind a man who would be considered as one of the great men in judicial history, and one who has done so much for the common person, for fairness and justice. And certainly if there ever was a—I didn't know the other two fellows, Green and Levin, but I understand that they are very outstanding individuals.

Thurgood Marshall stands above all of them, and so I appreciate your coming before the committee in support of this.

Mr. ENGEL. Thank you.

Mr. TRAFICANT. The gentlewoman from Texas.

Ms. JOHNSON. Thank you, Mr. Chairman. I want to thank the two gentlemen for being here, and I support this measure. Thank you.

Mr. TRAFICANT. I would like to remind everybody here that the first bill passed by the Congress this year was the bill that honored Justice Marshall at a great facility here in Washington, DC, now known as the Thurgood Marshall Building.

So we will be reporting this bill today to the full Committee Mr. Engel. This bill will be then held and put on the agenda for

Wednesday's hearing before the full Public Works and Transportation Committee and can be expected to be on the House Floor Monday, October 3, this coming Monday. So you are welcome, naturally, to participate in that.

The fact that you have come down, Councilman, also honors us; and we all worked together, we have the same constituents, so we appreciate your being here.

Mr. BROWN. I am honored to be here.

Mr. ENGEL. Thank you very much, Mr. Chairman, for the opportunity.

Mr. TRAFICANT. Thank you.

As we reconvene our hearing with Mr. Kimbrough, I would like unanimous consent to have a statement made by the Honorable Mayor Tucker from California, a Member of our subcommittee, placed into the record relative to the legislation just discussed, the naming bill for Justice Thurgood Marshall.

Without objection, so ordered.

[The prepared statement of Mr. Tucker follows:]

PREPARED STATEMENT OF CONGRESSMAN WALTER TUCKER

Mr. Chairman, I want to thank you for holding this hearing and markup of legislation, among other bills H.R. 4910 to name the courthouse in White Plains, NY the "Thurgood Marshall U.S. Courthouse". This is a fitting tribute to the late Justice Thurgood Marshall. Thurgood Marshall stood for all that was right in this country for many decades. I hope this subcommittee today will report this bill to the full committee and onto the full house before the legislative year is over. Mr. Chairman again I would like to thank you for all that you have done this year and I hope next year that this Subcommittee stays as active.

Mr. TRAFICANT. Mr. Kimbrough and Mr. Davis.

Mr. KIMBROUGH. Thank you. May I read a short statement?

Mr. TRAFICANT. Absolutely, Chairman.

TESTIMONY OF KENNETH R. KIMBROUGH, COMMISSIONER, PUBLIC BUILDINGS SERVICE, GENERAL SERVICES ADMINISTRATION, ACCOMPANIED BY THURMAN M. DAVIS, ACTING ADMINISTRATOR, PHILADELPHIA REGIONAL OFFICE, GSA

Mr. KIMBROUGH. Thank you.

Mr. Chairman, it is my pleasure to appear before the subcommittee today to help bring to resolution the consolidation requirements of the Federal Communications Commission in Washington, DC. As you know, the General Services Administration, using the authority of the lease prospectus for FCC approved by the Committee on Public Works and Transportation on September 23, 1987, initiated a lease procurement and proceeded to the point of award. Prior to the award of a lease to the selected offeror, Parcel 49C limited partnership, FCC's identified space requirements had grown to exceed the available prospectus authority and, on February 10th, 1992, GSA canceled the procurement.

Parcel 49C filed suit in the United States Court of Federal Claims, which on February 28, 1994, decided in favor of the plaintiff. GSA's appeal to the United States Court of Appeals for the Federal Circuit was denied on August 1st, 1994.

The Federal circuit upheld the decision of the trial court, which directed GSA to resume the procurement process at the point prior to the cancellation of the solicitation. The Federal Circuit specifi-

cally ruled against resolicitation, arguing that the existing award process could accommodate FCC's prior and future space needs. Accordingly, GSA entered into negotiations with Parcel 49C, the selected offeror, and on August 12, 1994, executed two leases.

The first lease for 313,853 rentable square feet is consistent with the authority provided by the approved prospectus for 260,416 occupiable square feet. The second lease for 491,843 rentable square feet, was negotiated on the basis of preliminary information regarding FCC's current consolidation requirements. The lease agreement calls for the substitution of the second lease for the first lease upon receipt of the appropriate Congressional approvals.

The FCC's responsibilities have grown since 1987, with such actions as the implementation of the Cable Television Consumer Protection Act of 1992, Public Law 102-385, creating a new organization within FCC, the Cable Services Bureau. Other new responsibilities and an FCC reorganization have resulted in additional personnel and space needs, which continue to increase. In order to obtain an accurate forecast of the FCC's currently projected space requirements at a consolidated location, GSA commissioned an updated space programming study to translate the Agency's growing, Congressionally mandated role into an appropriately sized and configured space requirement.

The updated space programming study has been completed and documents FCC's total consolidation requirements to be 545,076 occupiable square feet, as shown on the housing plan of the current prospectus. This amount of space is equivalent to 655,447 rentable square feet. Consequently, GSA now requests authority to lease 341,594 rentable square feet, the balance that is required to meet FCC's current needs.

Full congressional approval of this prospectus will allow GSA to reopen negotiations with parcel 49C to lease 163,604 rentable square feet in addition to the 491,843 rentable square feet covered by the second lease in order to meet FCC's current total consolidation requirement of 655,447 rentable square feet.

Mr. Chairman, GSA strongly urges positive consideration of what we view as a workable solution for the consolidation of FCC. We believe this solution to be consistent with the ruling of the Federal Circuit Court which argued that resolicitation would result in further, unnecessary expenditures of government resources.

This ends my formal statement. I will be happy to answer questions regarding the FCC or other prospectuses appearing on today's hearing agenda.

Mr. TRAFICANT. Commissioner, I want to commend you personally, Mr. Davis and others that are here with you, for the work that you have done in resolving some of the issues of the Court. I think that you have exhibited that in your short stay here, how to get a grip on the way this crazy place works. I think you have gotten a good grip on it, and I think you are helping to save taxpayers' money.

There are some people that may not agree with everything that you have done, but as we evaluate the things that you have done, one predicate is a lot of good common sense and they seem to be working.

I think you deserve a lot of credit. You worked with the courts and resolved an issue that could have been troublesome, and saved a lot of money. I think that should be a beginning, distinguishing point of your administration. You are to be commended. I mean that.

Mr. KIMBROUGH. Thank you, Mr. Traficant.

Mr. TRAFICANT. I have a number of questions, and I would prefer to have these questions answered in writing. I would like to have these questions read at this point, and I do not require an answer from you now. And I read them only in the record rather than placing them in, so if there are any concerns you have on any of those questions, you can confer with us on what they are. They are not designed to trick-bag anybody or to backdoor anything but they are concerns that the committee has that I think clarify the record and move us forward.

Does GSA have a schedule to fulfill the requirements of the court order regarding consolidation of FCC?

Number two, when will the FCC begin to occupy the building?

Number three, where is the FCC headquarters building located?

Number four—you need not write these down; you will get copies of them if they are needed. When you do get them, you can refer to us and stick around with us on those issues.

Number four, what is the documented request that FCC had presently supplied the GSA?

Number five, when was the final space program submitted to GSA?

Number six, what role did the labor unions have in reviewing accepting workstation designs; and is this, in fact, the customary role for the unions?

Next question, how does the FCC currently accommodate its needs for special purpose space; that is, library, training center, reference rooms, et cetera.

The next question, please define reasonable industry standards as used on page 2 of the prospectus.

And finally, how did the FCC document their requirements, the FTE mission statement, concerns such as that?

Your response in a reasonable manner will be satisfactory. I don't foresee any problems, and I can't speak for the entire subcommittee and the committee, but you have my support.

I will now defer to the gentleman, the Chairman of Water Resources of Public Works, Mr. Applegate.

Mr. APPLGATE. I concur with the Chairman.

Mr. TRAFICANT. The gentlewoman from Texas.

Ms. JOHNSON. Thank you, Mr. Chairman. I am pleased that these pilot projects have been chosen and that we are responding to local governments to be more efficient in how we direct our lease monies.

As a Representative from the Dallas area, I look forward to the implementation of this program. As with many other cities in the Nation, the city has a substantial vacancy rate and we feel that we could more prudently use government monies to get better rates as we consolidate our services. Thank you.

Mr. TRAFICANT. Has the gentlewoman from Texas concluded her statement, or did she have another question pending some of her deliberation there with some of her paperwork?

Ms. JOHNSON. Thank you, Mr. Chairman. The only other comment I have to make is that in this prospectus submitted by GSA, they have Congressional District Five, which is not correct and has not been correct since 1992.

I would appreciate it if District 30 is placed there as it is correctly located there.

I don't know that I have any other questions. I think everything else here has probably been well researched and documented. Thank you.

Mr. TRAFICANT. Is there any problem with that, GSA, in making that correction?

Mr. KIMBROUGH. No problem, Mr. Chairman.

Mr. TRAFICANT. The gentlewoman from Texas does her homework. We want to make sure the record reflects the actuality of that. We appreciate that.

Ms. JOHNSON. Thank you.

Mr. TRAFICANT. I would just like to say this: That GSA as represented here has shown deep concern for the cities. We have an America with troubled cities. I think you have done an exemplary job.

I wanted to talk a little out of order here about something that I wanted you to help me with. This subcommittee is trying to change the scoring rules to a new way to finance public buildings. We have a problem with the White House, and have a problem with OMB. Quite frankly, the OMB is running everything, as far as I am concerned. I don't know if the OMB is represented here or not and I don't want any enemies with OMB. However, I don't give a damn at this point, because of what happened in Atlanta, and what is happening with other facilities all across the country. And I am asking you GSA representatives today, I want you to help me; I want you to help our Subcommittee talk some common sense. We want to take the shackles off of GSA. Your role in real estate in America is too great to have you limited by statute that hurts our taxpayers.

I am hoping in those little cocktail parties you have rubbing shoulders with the President and his people when they need votes, that you remind them of the Subcommittee on Public Buildings and Grounds, who has a big stone in their shoe. We want you to support us; we don't want you to tell me you are going to do it and then chime in with OMB.

If you can do that, that is a major goal of this subcommittee.

Mr. Kimbrough, I think that is the last time we will be officially meeting. Welcome to D.C., Brother. You are now here; you are part of it. You have earned it, you have done a good job, and we are proud to work with you and everyone here who is represented today. So that is all I have to say.

Mr. KIMBROUGH. Thank you, Congressman Traficant.

Mr. TRAFICANT. Thank you.

Anything else you would like to say, Mr. Davis?

Mr. DAVIS. I think the commissioner said it all, sir.

Mr. TRAFICANT. Thank you.

We will move on now with our markup.

[Whereupon, at 3:59 p.m., the subcommittee proceeded to other business.]

STATEMENT OF KENNETH R. KIMBROUGH, COMMISSIONER, PUBLIC BUILDINGS
SERVICE, GENERAL SERVICES ADMINISTRATION

Mr. Chairman, it is my pleasure to appear before the Subcommittee today to help bring to resolution the consolidation requirements of the Federal Communications Commission (FCC) in Washington, DC. As you know, the General Services Administration (GSA), using the authority of the lease prospectus for the FCC approved by the Committee on Public Works and Transportation on September 23, 1987, initiated a lease procurement and proceeded to the point of award. Prior to the award of a lease to the selected offeror, the parcel 49C limited partnership, FCC's identified space requirements had grown to exceed the available prospectus authority and, on February 10, 1992, GSA canceled the procurement. Parcel 49C filed suit in the United States Court of Federal Claims which, on February 28, 1994, decided in favor of the plaintiff. GSA's appeal to the United States Court of Appeals for the Federal Circuit was denied on August 1, 1994.

The Federal circuit upheld the decision of the trial court, which directed GSA to resume the procurement process at the point prior to the cancellation of the solicitation. The Federal circuit specifically ruled against resolicitation, arguing that the existing award process could accommodate FCC's prior and future space needs. Accordingly, GSA entered into negotiations with parcel 49C, the selected offeror, and on August 12, 1994, executed two leases. The first lease for 313,853 rentable square feet is consistent with the authority provided by the approved prospectus for 260,416 occupiable square feet. The second lease for 491,843 rentable square feet, was negotiated on the basis of preliminary information regarding FCC's current consolidation requirements. The lease agreement calls for the substitution of the second lease for the first lease upon receipt of appropriate congressional approvals.

The FCC's responsibilities have grown since 1987, with such actions as the implementation of the Cable Television Consumer Protection Act of 1992 (P.L. 102-385), creating a new organization within FCC, the cable services bureau. Other new responsibilities and an FCC reorganization have resulted in additional personnel and space needs which continue to increase. In order to obtain an accurate forecast of the FCC's currently projected space requirements at a consolidated location, GSA commissioned an updated space programming study to translate the agency's growing, congressionally mandated role into an appropriately sized and configured space requirement.

The updated space programming study has been completed and documents FCC's total consolidation requirements to be 545,076 occupiable square feet, as shown on the housing plan of the current prospectus. This amount of space is equivalent to 655,447 rentable square feet. Consequently, GSA now requests authority to lease 341,594 rentable square feet, the balance that is required to meet FCC's current needs.

Full Congressional approval of this prospectus will allow GSA to reopen negotiations with parcel 49C to lease 163,604 rentable square feet in addition to the 491,843 rentable square feet covered by the second lease in order to meet FCC's total current consolidation requirement of 655,447 rentable square feet.

Mr. Chairman, GSA strongly urges positive consideration of what we view as a workable solution for the consolidation of FCC. We believe this solution to be consistent with the ruling of the Federal Circuit Court which argued that resolicitation would result in further, unnecessary expenditures of government resources.

This ends my formal statement. I will be happy to answer questions regarding the FCC or other prospectuses appearing on today's hearing agenda.

**Subcommittee on Public Buildings and Grounds
Committee on Public Works and Transportation
House of Representatives**

Question: What is the "documented" request that FCC has presently supplied to GSA?

Answer: The documented space request currently consists of the Space Requirements Report prepared by GSA's space programming contractor on behalf of the FCC. (A revised SF81 has yet to be completed.) The report documents the exact space requirements contained in the proposed prospectus, i.e., 545,076 occupiable square feet.

Question: When was the final space program submitted to GSA?

Answer: September 14, 1994.

Question: What role did the labor unions have in reviewing and accepting workstation designs? Is this a customary role?

Answer: FCC's labor unions were actively involved in the development and review of the workstation standards in 1992. Ultimately, FCC's labor unions formally approved the standards. This is consistent with partnering agreements that GSA has observed at other agencies (such as the IRS) as well as partnering agreements between GSA and its own labor unions.

Question: How does the FCC currently accommodate its need for special purpose space, i.e., library, training center, reference rooms, etc.?

Answer: FCC currently has special space, including the Commission Meeting Room, the communications room, and the main computer room which are overcrowded and too small. Also, FCC has special space which is currently housed in office space and not built to current FPMR standards. This special space includes the FCC training rooms which do not have sound-rated walls or supplemental air-conditioning. Special space, such as many LAN and copy rooms, were installed in office space only to find that supplemental air-conditioning was needed to keep temperatures at an acceptable level.

FCC has special space needs that are not currently accommodated. These include space required for the consolidation of functions currently scattered in office space. For example, when libraries

and files are consolidated in an attempt to save space and accommodate needed growth, the floor loading must be upgraded, causing it to become special space. Lastly, there are new special space requirements, caused by expanding technology or demand. LAN rooms are expanding both in size and number.

Question: Please define "reasonable industry standards" as used on page two of the prospectus i.e., regarding circulation factors.

Answer: GSA has conducted extensive research over the past 2 years on circulation requirements in both open office environments utilizing systems furniture, and private office environments. Actual space programs and installations have been measured and analyzed. The resulting formulas have been confirmed by our private-sector interior architecture engineering firms as consistent with their own experiences in designing for the private sector.

Typically, GSA uses a circulation factor of 1.4 for office and support space (based on 70-80% open space); 1.0 for special and storage space (based on 10-15% special and storage space); and 1.1 for the entire preliminary occupiable space figure.

However, the FCC is atypical, with an extremely large percentage of systems workstations (94%) and higher-than-average special and storage space needs (32%). Therefore, GSA's space programming contractor recommended using a 1.45 circulation factor for the office and support space, 1.1 for the special space, and 1.1 for the preliminary occupiable space.

Question: How did the FCC document their requirements? FTE? Mission statement?

Answer: The FCC 1995 appropriations, the authorized FTE, and associated mission statement were used to arrive at FCC space needs. The space needs were derived by undertaking the preparation of space requirements reports utilizing both FTE and mission statements as a starting point to justify and explain space needs. In addition, each aspect of office, support, special, and storage space was reviewed to determine what job functions must be performed in the spaces, what groups must be adjacent to each other, what workstations will be used, and what equipment will be needed. In short, the program was "built" from smaller, justifiable space units into the total space need.

Question: Does GSA have a schedule to fulfill the requirements of the court order regarding the consolidation of the FCC?

Answer: Two leases were signed on August 12th in compliance with the court's order: 287,483 SF to satisfy the original SFO, and 450,422 to satisfy FCC's current requirements (based upon limited information available at that time). The larger lease is contingent upon prospectus approval; if approved, that lease would supersede, and be substituted for, the smaller lease. Under this assumption, GSA is required to deliver detailed space programming requirements to the lessor by December 31, 1994. The lessor is obligated to deliver the space between 18 to 30 months thereafter, with no more than 6 months between the first and last phase of occupancy.

Question: When will the FCC begin to occupy the Portals Building?

Answer:

Current terms: Lease #1: 287,483 SF lease proposes occupancy between June 1996 and May 1997, and would be housed in phase A of Building 2 (to be constructed).

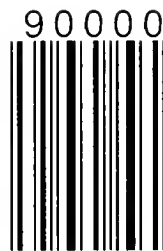
Lease #2: 450,422 SF lease proposes 100,000 SF occupancy May 1995 in Building 1 (space is existing and vacant), and balance between June 1996 and May 1997 to be housed in phase A of Building 2 (to be constructed).

Question: Where is the FCC headquarters building located?

Answer: The FCC Chairman is housed at 1919 M Street, NW., Washington, DC. Other headquarters components are located in leased space as identified on the prospectus housing plan.



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