

111TH CONGRESS
2D SESSION

S. 3210

To establish a Design Excellence Program at the Department of State, to reestablish the Architectural Advisory Board, to assess the Standard Embassy Design Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 15, 2010

Mr. KERRY (for himself and Mr. DODD) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To establish a Design Excellence Program at the Department of State, to reestablish the Architectural Advisory Board, to assess the Standard Embassy Design Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Embassy Design and
5 Security Act of 2010”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Embassies—

1 (A) are an important reflection of Amer-
2 ican values, openness, ingenuity, and innova-
3 tion;

4 (B) should reflect the best of United
5 States design, architecture, sustainability, and
6 technology; and

7 (C) should maintain security as a top pri-
8 ority.

9 (2) Since 2001, the Bureau of Overseas Build-
10 ings Operations (referred to in this section as
11 “OBO”) has—

12 (A) completed 71 new diplomatic and con-
13 sular facilities; and

14 (B) moved more than 20,000 individuals
15 into safer, more secure and functional facilities.

16 (3) OBO, which has 34 other building projects
17 in design or construction in 2010, has demonstrated
18 its ability to construct diplomatic and consular facili-
19 ties in a timely and expeditious manner.

20 (4) Since the August 1998 embassy bombings
21 in East Africa, United States diplomatic and con-
22 sular facilities have faced increasing attacks.

23 (5) OBO constructs safe and functional facili-
24 ties for American diplomats to allow them to ad-
25 vance foreign policy and to strive to create better,

1 safer, and more secure communities for all citizens
2 of the world.

3 (6) In his seminal memo, entitled “Guiding
4 Principles for Federal Architecture”, the Honorable
5 Daniel Patrick Moynihan laid out the following core
6 principles:

7 (A) “It should be our object to meet the
8 test of Pericles’ evocation to the Athenians,
9 which the President commended to the Massa-
10 chusetts legislature in his address of January 9,
11 1961: ‘We do not imitate—for we are a model
12 to others.’”.

13 (B) “The policy shall be to provide req-
14 uisite and adequate facilities in an architectural
15 style and form which is distinguished and which
16 will reflect the dignity, enterprise, vigor and
17 stability of the American National Govern-
18 ment.”.

19 (C) “The development of an official style
20 must be avoided. . . . The advice of distin-
21 guished architects, as a rule, ought to be sought
22 prior to the award of important design con-
23 tracts.”.

1 (D) “The choice and development of the
 2 building site should be considered the first step
 3 of the design process.”.

4 (7) The principles set forth in paragraph (2)
 5 provide the foundation for the General Services Ad-
 6 ministration’s Design Excellence Program, which—

7 (A) establishes nationwide policies and pro-
 8 cedures for selecting distinguished architects
 9 and artists for General Services Administra-
 10 tion’s commissions; and

11 (B) implements rigorous review processes
 12 to produce facilities and civic artworks of out-
 13 standing quality and value.

14 (8) Section 401 of the Energy Independence
 15 and Security Act of 2007 (Public Law 110–140) de-
 16 fines a high-performance building as “a building
 17 that integrates and optimizes on a life cycle basis all
 18 major high performance attributes, including energy
 19 conservation, environment, safety, security, dura-
 20 bility, accessibility, cost-benefit, productivity, sus-
 21 tainability, functionality, and operational consider-
 22 ations”.

23 (9) The 2009 American Institute of Architects
 24 “Design for Diplomacy: New Embassies for the 21st
 25 Century” reports “significant interest in developing

1 an approach that would enable architects and engi-
2 neers to design embassies that reflected the unique
3 needs of a site at a foreign post”.

4 (10) The Center for Strategic and International
5 Studies published a report in 2007, authored by the
6 Embassy of the Future Commission and entitled
7 “The Embassy of the Future”, which makes the fol-
8 lowing statements:

9 (A) “The new embassy facilities have in
10 some places created the perception among some
11 of a fearful United States, retreating behind
12 high walls and isolating itself from the people
13 it is trying to reach.”.

14 (B) “The commission believes that it is im-
15 portant to meet security needs in ways that re-
16 flect the new diplomatic job.”.

17 (C) “[S]etbacks, barriers, and other secu-
18 rity features can be designed in ways that inte-
19 grate security with the overall building design
20 and surroundings.”.

21 **SEC. 3. STATEMENT OF POLICY.**

22 It is the policy of the United States to adopt design
23 excellence as a mandate to advance a new generation of
24 secure, high-performance, sustainable diplomatic and con-
25 sular facilities in support of United States foreign policy.

1 **SEC. 4. ESTABLISHMENT OF A DESIGN EXCELLENCE PRO-**
2 **GRAM AT THE DEPARTMENT OF STATE.**

3 The Secretary of State should—

4 (1) develop and establish a design excellence
5 program, which shall be—

6 (A) modeled after the program used by the
7 General Services Administration; and

8 (B) tailored to the specific requirements of
9 the Bureau of Overseas Building Operations;
10 (2) ensure that security remains a top priority
11 for all diplomatic and consular facilities;

12 (3) integrate sustainability and sustainable de-
13 sign and construction best practices for all facilities
14 constructed under the direction of the Bureau of
15 Overseas Building Operations;

16 (4) encourage innovation in building design;

17 (5) create a framework for testing new tech-
18 nologies as they come on the market that can create
19 potential value for new facilities;

20 (6) create a design excellence policies and pro-
21 cedures manual, which shall—

22 (A) explain the mandate of the design ex-
23 cellence program; and

24 (B) describe how the Department of State
25 will implement and operate the program;

1 (7) establish a high-level board to track the
2 progress of the design excellence program, which—

3 (A) shall be composed of an equivalent
4 number of—

5 (i) outside professionals who have spe-
6 cific architectural, design, and industry ex-
7 pertise; and

8 (ii) senior United States Government
9 officials; and

10 (B) shall meet not less frequently than
11 semiannually—

12 (i) to review and analyze the progress
13 and results of the program; and

14 (ii) to provide guidance to the Depart-
15 ment of State on questions that may arise;

16 (8) train staff to support design excellence
17 through education and training on program imple-
18 mentation to ensure consistency and quality on all
19 projects;

20 (9) perform post-occupancy evaluations to iden-
21 tify the problems and successes of each facility;

22 (10) consider utilizing research studies from
23 outside the Department of State to bring new ideas
24 and provide cost-effective solutions;

1 (11) include fine arts advisors as part of the de-
 2 sign excellence program and peer review panels for
 3 all embassy projects; and

4 (12) undertake a concurrent review of the
 5 Standard Embassy Design Program (referred to in
 6 this section as the “SED Program”) to determine—

7 (A) the best way to integrate the newly es-
 8 tablished design excellence program with the
 9 SED Program; and

10 (B) modifications that need to be made to
 11 the SED Program.

12 **SEC. 5. ARCHITECTURAL ADVISORY BOARD.**

13 (a) IN GENERAL.—The Secretary shall reestablish
 14 the Architectural Advisory Board (referred to in this sec-
 15 tion as the “Board”) in order to—

16 (1) advise the Department of State on design
 17 standards;

18 (2) recommend the most appropriate style of
 19 architecture for prospective projects;

20 (3) review the quality and fitness of designs;

21 (4) advise on an appropriate balance and inte-
 22 gration between security priorities and American val-
 23 ues of openness and design;

24 (5) advise how the Department can construct
 25 new diplomatic and consular facilities that are built

1 to the most up-to-date energy efficiency require-
2 ments, standards, checklists, or rating systems, to
3 the extent possible;

4 (6) advise how the Department can place diplo-
5 matic and consular facilities in urban and city center
6 locations, to the extent possible—

7 (A) to permit greater accessibility to na-
8 tional government institutions; and

9 (B) to facilitate ease of access for local
10 residents; and

11 (7) advise how the Department can construct
12 new diplomatic and consular facilities with future,
13 projected growth needs in mind, including growth
14 needs for other Federal agencies.

15 (b) COMPOSITION.—The Board shall be composed of
16 5 members appointed by the Secretary from outside the
17 United States Government, who are noted for their knowl-
18 edge of, and experience with, architecture and design.

19 (c) DEADLINE FOR APPOINTMENTS.—All members of
20 the Board shall be appointed not later than 60 days after
21 the date of the enactment of this Act.

22 (d) MEETINGS.—The Board shall meet not less fre-
23 quently than semiannually at the call of the Chairperson.

24 (e) COMPENSATION.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), members of the Board—

3 (A) shall be paid compensation out of
4 funds made available for the purposes of this
5 title at the daily equivalent of the highest rate
6 payable under section 5332 of title 5, United
7 States Code, for each day (including travel
8 time) during which the member is engaged in
9 the actual performance of duties as a member
10 of the Board; and

11 (B) while away from the member's home
12 or regular place of business on necessary travel
13 in the actual performance of duties as a mem-
14 ber of the Board, shall be paid per diem, travel,
15 and transportation expenses in the same man-
16 ner as is provided under subchapter I of chap-
17 ter 57 of title 5, United States Code.

18 (2) LIMITATION.—A member of the Board may
19 not be paid compensation under paragraph (1)(B)
20 for more than 90 days in any calendar year.

21 (f) EXEMPTION.—The Board shall be exempt from
22 the Federal Advisory Committee Act (5 U.S.C. App.).

1 **SEC. 6. REPORT TO REVIEW THE STANDARD EMBASSY DE-**
2 **SIGN PROGRAM.**

3 Not later than 1 year after the date of the enactment
4 of this Act, the Architectural Review Board established
5 under section 5 shall submit to the appropriate congres-
6 sional committees an assessment of the Standard Em-
7 bassy Design Program, which shall include—

8 (1) a comprehensive review of the Standard
9 Embassy Design template, including the utility of
10 the template in overseas contexts and general
11 strengths, weaknesses, drawbacks, and limitations to
12 the template;

13 (2) an analysis of the cost-effectiveness and
14 overall utility of incorporating 1 of 4 classes of
15 Standard Embassy Design (small, medium, large,
16 and extra large);

17 (3) an analysis of whether such approach un-
18 duly limits the flexibility of design and responsive-
19 ness to local contexts and priorities;

20 (4) a consideration of alternative approaches to
21 enable architects and engineers—

22 (A) to design embassies that reflect the
23 unique needs of a site at a foreign post; and

24 (B) to incorporate appropriate standard
25 design and construction components common to
26 the building type;

1 (5) an examination of the effectiveness of the
2 SED Program in—

3 (A) integrating security concerns with de-
4 sign considerations;

5 (B) ensuring an adequate growth footprint
6 for future embassy personnel increases;

7 (C) incorporating sustainable design and
8 the most up-to-date energy efficiency require-
9 ments, standards, checklists, or rating systems
10 for diplomatic and consular facilities;

11 (D) allowing for open and public access;
12 and

13 (E) ensuring overall design excellence; and

14 (6) recommendations on—

15 (A) the best way to integrate the newly es-
16 tablished Embassy Design Excellence Program
17 with the SED Program; and

18 (B) the modifications to the SED Program
19 that are warranted.

20 **SEC. 7. MODIFIED SECURITY REQUIREMENTS FOR UNITED**
21 **STATES DIPLOMATIC AND CONSULAR FACILI-**
22 **TIES.**

23 (a) SENSE OF CONGRESS ON CO-LOCATION AND SE-
24 curity REQUIREMENTS.—It is the sense of Congress
25 that—

1 (1) while assessing the necessity, security, and
2 efficiency of co-locating all United States Govern-
3 ment personnel at a single embassy site within a sin-
4 gle foreign country, the Secretary should consider
5 placing United States Government personnel at loca-
6 tions conducive to maximizing their use;

7 (2) while cost efficiency and security consider-
8 ations may justify the consolidation of multiple Fed-
9 eral departments and agencies at a single location,
10 such a determination should not be made without
11 taking into account other crucial policy consider-
12 ations;

13 (3) the Secretary should consider alternative lo-
14 cation arrangements that do not affect the strength
15 and appropriateness of security arrangements for
16 United States Government personnel;

17 (4) it is crucial that security standards remain
18 uniformly high in all locations hosting United States
19 Government personnel;

20 (5) the perimeter distance requirement under
21 section 606(a)(3) of the Secure Embassy Construc-
22 tion and Counterterrorism Act of 1999 (22 U.S.C.
23 4865(a)(3)) imposes a uniform security standard for
24 all diplomatic and consular facilities regardless of
25 country context or specific security needs;

1 (6) a more nuanced approach may tailor spe-
2 cific security requirements, such as perimeter dis-
3 tance requirements, to particular security consider-
4 ations in a given country; and

5 (7) while every country with diplomatic rep-
6 resentation must have a modern, secure, safe, and
7 functional facility, it is important to integrate secu-
8 rity with the long-term impact on the foreign policy
9 objectives of the Department of State.

10 (b) DIPLOMATIC AND CONSULAR FACILITIES TASK
11 FORCE.—

12 (1) IN GENERAL.—The Secretary of State
13 should establish the Diplomatic and Consular Facili-
14 ties Task Force (referred to in this section as the
15 “Task Force”)—

16 (A) to review existing regulations, stand-
17 ards, and procedures to implement paragraphs
18 (2) and (3) of section 606(a) of the Secure Em-
19 bassy Construction and Counterterrorism Act of
20 1999 (22 U.S.C. 4865(a)); and

21 (B) to make appropriate recommendations
22 to modify or revoke the regulations, standards,
23 and procedures under such Act.

24 (2) COMPOSITION.—The Task Force shall be
25 composed of 7 members, of whom—

1 (A) 4 shall be senior career professionals
2 of the Department of State with different per-
3 sonnel backgrounds; and

4 (B) 3 shall be professionals outside the
5 United States Government who are noted for
6 their knowledge and experience in construction
7 and security issues.

8 (3) DEADLINE FOR APPOINTMENTS.—All mem-
9 bers of the Task Force shall be appointed not later
10 than 60 days after the date of the enactment of this
11 Act.

12 (4) EXEMPTION.—The Task Force shall be ex-
13 empt from the Federal Advisory Committee Act (5
14 U.S.C. App.).

15 (5) TERMINATION.—The Task Force shall ter-
16minate on the date on which the report is submitted
17 to Congress under subsection (c)(2).

18 (c) REPORTS.—

19 (1) SECRETARY OF STATE.—Not later than 1
20 year after the date of the enactment of this Act, the
21 Secretary of State shall submit a report to the Com-
22 mittee on Foreign Relations of the Senate and the
23 Committee on Foreign Affairs of the House of Rep-
24 resentatives that describes—

1 (A) the recommendations made by the
2 Task Force under subsection (b)(1)(B); and

3 (B) the impact of such recommendations
4 on the operations of, and security standards
5 for, United States diplomatic and consular fa-
6 cilities.

7 (2) COMPTROLLER GENERAL.—Not later than
8 120 days after the submission of the report under
9 paragraph (1), the Comptroller General of the
10 United States shall submit a report to the appro-
11 priate congressional committees that contains—

12 (A) a review of, and comments on, the rec-
13 ommendations made by the Task Force under
14 subsection (b)(1)(B); and

15 (B) the Comptroller General’s recommen-
16 dations for improving the security standards at
17 all United States diplomatic and consular facili-
18 ties.

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