

- Sec.
 302. Award of contracts.
 303. Repealed.
 304. Biannual report on overseas capital construction projects.
 305. Growth projections for new embassies and consulates.
 306. Contracting methods in capital construction.

Statutory Notes and Related Subsidiaries

OVERSEAS BUILDINGS DUE DILIGENCE

Pub. L. 118-159, div. G, title LXXII, §7207, Dec. 23, 2024, 138 Stat. 2531, provided that:

“(a) IN GENERAL.—The Secretary [of State] shall take such steps as may be necessary to avoid or minimize purchasing or leasing for 180 days or longer a covered building to be used by United States Government personnel carrying out their official duties—

“(1) in which a covered entity is known through reasonable due diligence to have performed covered construction;

“(2) in which due diligence has indicated a covered entity has an ownership interest; or

“(3) where a covered entity is expected to perform covered construction.

“(b) NOTIFICATION.—

“(1) IN GENERAL.—If, after the date of the enactment of this Act [Dec. 23, 2024], the Secretary determines it is in the national security interest of the United States to acquire or lease a covered building, or enter into or renew a contract with a covered entity to perform covered construction with a covered building, then the Secretary shall notify the appropriate congressional committees [Committee on Foreign Relations of the Senate and Committee on Foreign Affairs of the House of Representatives] and the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives—

“(A) not later than 7 days before entering into an acquisition, lease, or agreement with a covered building or covered entity doing covered construction; and

“(B) not later than 21 days after becoming aware of an existing lease or agreement occurring with a covered building or covered entity doing covered construction.

“(2) DETERMINATION OF NATIONAL SECURITY INTEREST.—The notification required under paragraph (1) shall also include, to the extent applicable—

“(A) a determination of whether the inconsistent acquisition, lease, or agreement is in the national security interest of the United States;

“(B) an identification of the interest advanced by such inconsistent action;

“(C) a detailed explanation for such determination; and

“(D) any action the Secretary has taken or intends to take to mitigate national security vulnerabilities that may be posed by such inconsistent action.

“(c) DEFINITIONS.—In this section:

“(1) COVERED BUILDING.—The term ‘covered building’ means a building that is used or intended to be used by personnel of a consular or diplomatic post located outside of the United States for carrying out their official duties.

“(2) COVERED CONSTRUCTION.—The term ‘covered construction’—

“(A) means any construction, development, conversion, extension, alteration, repair, or maintenance performed with respect to a building; and

“(B) includes the installation or maintenance of electrical, plumbing, heating, ventilation, air conditioning, communication, fire protection, and energy management systems with respect to such building.

“(3) COVERED ENTITY.—The term ‘covered entity’ means an entity with respect to which the Govern-

ment of the People’s Republic of China, the Government of the Russian Federation, or an agent or instrumentality of the Government of the People’s Republic of China or the Government of the Russian Federation, directly or indirectly, including through any contract, arrangement, understanding, or relationship—

“(A) owns or controls a significant percent of the ownership interest; or

“(B) otherwise exercises substantial control.”

§ 291. Lease of buildings, etc., for offices, living quarters, heat, light, and equipment

The Secretary of State may lease or rent, for periods not exceeding ten years, such buildings and grounds for the use of the Foreign Service as may be necessary; and he may, in accordance with existing practice without cost to them, and within the limit of any appropriation made by Congress, furnish the officers and employees in the Foreign Service with living quarters, heat, light, and household equipment in Government-owned or rented buildings, at places where, in his judgment, it would be in the public interest to do so, notwithstanding the provisions of section 5536 of title 5; and appropriations for “Contingent expenses, foreign missions,” and “Contingent expenses, consulates,” are made available for such purposes.

(Apr. 18, 1930, ch. 184, title I, 46 Stat. 177.)

Editorial Notes

CODIFICATION

Section was not enacted as part of the Foreign Service Buildings Act, 1926, which comprises this chapter.

“Section 5536 of title 5” substituted in text for “section 1765 of the Revised Statutes (U.S.C., title 5, sec. 70; U.S.C., Supp. III, title 5, sec. 70)” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

§ 292. Acquisition of sites and buildings for diplomatic and consular establishments; allotment of space; credit of payments without regard to limitations of amounts

(a) Authority of Secretary of State

The Secretary of State is empowered to acquire by purchase or construction in the manner hereinafter provided, within the limits of appropriations made to carry out this chapter, by exchange, in whole or in part, of any building or grounds of the United States in foreign countries and under the jurisdiction and control of the Secretary of State, sites and buildings in foreign capitals and in other foreign cities, and to alter, repair, and furnish such buildings for the use of the diplomatic and consular establishments of the United States, or for the purpose of consolidating within one or more buildings, the embassies, legation, consulates, and other agencies of the United States Government there maintained. The space in such buildings shall be allotted by the Secretary of State among the several agencies of the United States Government.

(b) Payments from other than appropriated funds for acquisition of property

Payments made for rent or otherwise by the United States from funds other than appropria-

tions made to carry out this chapter may be credited toward the acquisition of property under this chapter without regard to limitations of amounts imposed by this chapter.

(c) Authorization for improvements and construction

The Secretary of State may improve or construct facilities overseas for other Federal departments and agencies on an advance-of-funds or reimbursable basis if such advances or reimbursements are credited to the Embassy Security, Construction, and Maintenance account and remain available until expended.

(May 7, 1926, ch. 250, § 1, 44 Stat. 403; May 29, 1928, ch. 876, § 1, 45 Stat. 971; Pub. L. 88-94, § 2(b), Aug. 12, 1963, 77 Stat. 122; Pub. L. 89-636, § 2, Oct. 10, 1966, 80 Stat. 881; Pub. L. 95-105, title I, § 106(a), Aug. 17, 1977, 91 Stat. 845; Pub. L. 114-323, title I, § 119, Dec. 16, 2016, 130 Stat. 1912.)

Editorial Notes

AMENDMENTS

2016—Subsec. (c). Pub. L. 114-323 added subsec. (c).

1977—Subsec. (a). Pub. L. 95-105, § 106(a)(1), substituted “to carry out” for “pursuant to”.

Subsec. (b). Pub. L. 95-105, § 106(a)(2), substituted “to carry out” for “under authority of”.

1966—Pub. L. 89-636 designated existing provisions as subsec. (a) and added subsec. (b).

1963—Pub. L. 88-94 struck out “, subject to the direction of the commission hereinafter established,” after “is empowered”, “under such terms and conditions as in the judgment of the commission may best protect the interests of the United States,” after “in part,” and “, to the extent deemed advisable by the commission,” after “consolidating” and substituted “. The space in such buildings shall be allotted by the Secretary of State” for “, which buildings shall be appropriately designated by the commission, and the space in which shall be allotted by the Secretary of State under the direction of the commission.”

1928—Act May 29, 1928, inserted “or by exchange, in whole or in part, under such terms and conditions as in the judgment of the commission may best protect the interest of the United States, of any building or grounds of the United States in foreign countries and under the jurisdiction and control of the Secretary of State”.

Statutory Notes and Related Subsidiaries

STANDARD DESIGN IN CAPITAL CONSTRUCTION

Pub. L. 117-81, div. E, title LII, § 5202, Dec. 27, 2021, 135 Stat. 2353, provided that:

“(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department’s Bureau of Overseas Building Operations (OBO) or successor office should give appropriate consideration to standardization in construction, in which each new United States embassy and consulate starts with a standard design and keeps customization to a minimum.

“(b) CONSULTATION.—The Secretary shall carry out any new United States embassy compound or new consulate compound project that utilizes a non-standard design, including those projects that are in the design or pre-design phase as of the date of the enactment of this Act [Dec. 27, 2021], only in consultation with the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives. The Secretary shall provide the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives, for each such project, the following documentation:

“(1) A comparison of the estimated full lifecycle costs of the project to the estimated full lifecycle costs of such project if it were to use a standard design.

“(2) A comparison of the estimated completion date of such project to the estimated completion date of such project if it were to use a standard design.

“(3) A comparison of the security of the completed project to the security of such completed project if it were to use a standard design.

“(4) A justification for the Secretary’s selection of a non-standard design over a standard design for such project.

“(5) A written explanation if any of the documentation necessary to support the comparisons and justification, as the case may be, described in paragraphs (1) through (4) cannot be provided.

“(c) SUNSET.—The consultation requirement under subsection (b) shall expire on the date that is 4 years after the date of the enactment of this Act.”

[For definitions of “Department”, “Secretary”, and “appropriate congressional committees” as used in section 5202 of Pub. L. 117-81, set out above, see section 5002 of Pub. L. 117-81, set out as a note under section 263c of this title.]

[For definition of “non-standard design” as used in section 5202 of Pub. L. 117-81, set out above, see section 5214 of Pub. L. 117-81, set out as a note under section 306 of this title.]

VALUE ENGINEERING AND RISK ASSESSMENT

Pub. L. 117-81, div. E, title LII, § 5207, Dec. 27, 2021, 135 Stat. 2357, provided that:

“(a) FINDINGS.—Congress makes the following findings:

“(1) Federal departments and agencies are required to use value engineering (VE) as a management tool, where appropriate, to reduce program and acquisition costs pursuant to OMB Circular A-131, Value Engineering, dated December 31, 2013.

“(2) OBO has a Policy Directive and Standard Operation Procedure, dated May 24, 2017, on conducting risk management studies on all international construction projects.

“(b) NOTIFICATION REQUIREMENTS.—

“(1) SUBMISSION TO AUTHORIZING COMMITTEES.—Any notification that includes the allocation of capital construction and maintenance funds shall be submitted to the appropriate congressional committees.

“(2) REQUIREMENT TO CONFIRM COMPLETION OF VALUE ENGINEERING AND RISK ASSESSMENT STUDIES.—The notifications required under paragraph (1) shall include confirmation that the Department has completed the requisite VE and risk management process described in subsection (a), or applicable successor process.

“(c) REPORTING AND BRIEFING REQUIREMENTS.—The Secretary shall provide to the appropriate congressional committees upon request—

“(1) a description of each risk management study referred to in subsection (a)(2) and a table detailing which recommendations related to each such study were accepted and which were rejected; and

“(2) a report or briefing detailing the rationale for not implementing any such recommendations that may otherwise yield significant cost savings to the Department if implemented.”

[For definitions of “Department”, “Secretary”, and “appropriate congressional committees” as used in section 5207 of Pub. L. 117-81, set out above, see section 5002 of Pub. L. 117-81, set out as a note under section 263c of this title.]

STATEMENT OF POLICY

Pub. L. 117-81, div. E, title LII, § 5213, Dec. 27, 2021, 135 Stat. 2358, provided that: “It is the policy of the United States that the Bureau of Overseas Building Operations of the Department or its successor office shall continue to balance functionality and security with accessibility, as defined by guidelines established by the

United States Access Board in constructing embassies and consulates, and shall ensure compliance with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) to the fullest extent possible.”

[For definition of “Department” as used in section 5213 of Pub. L. 117-81, set out above, see section 5002 of Pub. L. 117-81, set out as a note under section 263c of this title.]

PROPERTY AGREEMENTS

Pub. L. 103-236, title I, §134, Apr. 30, 1994, 108 Stat. 396, as amended by Pub. L. 103-415, §1(z), Oct. 25, 1994, 108 Stat. 4302, provided that: “Whenever the Department of State enters into lease-purchase agreements involving property in foreign countries pursuant to section 1 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 292), the Department shall account for such transactions in accordance with fiscal year obligations.”

§ 292a. Demonstration of solar and other renewable energy technologies in foreign countries

(a) Use of renewable energy systems in United States buildings in foreign countries

It is the purpose of this section to provide for the demonstration of solar energy and other renewable energy technologies in foreign countries through the use of such energy in buildings acquired under subsection (a) of section 292 of this title, in order that—

(1) countries in which such buildings are located may be given visible incentives to develop and use local solar energy or other renewable energy resources to reduce dependence upon petroleum and petroleum products;

(2) markets may be developed for American solar energy systems and components in order to stimulate investment in such systems and components and to reduce the costs of such systems and components to reasonable levels;

(3) in furtherance of the purpose of section 2151q¹ of this title, cooperation may be developed between the United States and other countries in an effort to develop solar energy or other renewable energy systems within a short period of time; and

(4) equipment which is vital to the operation of sensitive systems within United States missions abroad may be made more reliable and less dependent upon interruptible local energy supplies.

(b) Implementation of renewable energy projects by Secretary

(1) The Secretary of State shall implement projects for the application of solar energy or other forms of renewable energy in buildings acquired under subsection (a) section 292 of this title.

(2) The Secretary of State shall select projects under paragraph (1) in consultation with the Secretary of Energy. Such projects shall apply available solar energy and other renewable energy technologies, including those for—

(A) the heating and cooling of buildings;

(B) solar thermal electric systems;

(C) solar photovoltaic conversion systems;

(D) wind energy systems; and

(E) systems for developing fuels from biomass.

The Secretary of Energy shall inform the Secretary of State of all such technologies which

are feasible for such projects, taking into account the resources and environmental conditions of the countries in which such projects are to be implemented. Upon the request of the Secretary of State, the Secretary of Energy shall provide to the Secretary of State any technical information or other technical assistance which the Secretary of State considers necessary with respect to any such project. Any project selected under this section should be similar to projects which have been demonstrated by the Department of Energy (or any of its predecessor agencies) to be reliable, maintainable, and technically feasible.

(3) Any project selected under this section shall be adaptable to the local resources, climatic conditions, and economic circumstances of the country in which such project is implemented in order that such country will be more likely to implement similar projects.

(4) The Secretary of State shall insure that any project selected under this section is demonstrated to, and available for inspection by, officials and other citizens of the country in which such project is implemented.

(5) In selecting projects under this section, the Secretary of State shall give priority to projects to be implemented in developing countries.

(c) Planning for use of renewable energy systems in construction of new buildings

Whenever any building is constructed under the authority contained in section 292 of this title, the Secretary of State shall insure that the planning for such construction takes into account those renewable energy systems which are available in the country in which the building is to be constructed.

(d) Availability of sums previously authorized to be appropriated

In addition to amounts otherwise available for such purposes, \$4,000,000 of the amount authorized to be appropriated by section 101(a)(1) of this Act shall be available only to carry out the purposes of this section.

(Pub. L. 95-426, title I, §105, Oct. 7, 1978, 92 Stat. 965.)

Editorial Notes

REFERENCES IN TEXT

Section 2151q of this title, referred to in subsec. (a)(3), was repealed by Pub. L. 96-533, title III, §304(g), Dec. 16, 1980, 94 Stat. 3147. See section 2151d(a)(2), (b)(2), (c) of this title.

Section 101(a)(1) of this Act, referred to in subsec. (d), means section 101(a)(1) of Pub. L. 95-426, which is not classified to the Code.

CODIFICATION

Section was not enacted as part of the Foreign Service Buildings Act, 1926, which comprises this chapter.

Statutory Notes and Related Subsidiaries

RESTRICTIONS ON THE USE OF FUNDS FOR SOLAR PANELS

Pub. L. 118-159, div. G, title LXXII, §7208, Dec. 23, 2024, 138 Stat. 2532, provided that: “The Department [of State] may not use Federal funds to procure any solar energy products that were manufactured in the Xinjiang Uyghur Autonomous Region of the People’s

¹ See References in Text note below.