

115TH CONGRESS
2D SESSION

H. R. 4969

To improve the design and construction of diplomatic posts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2018

Mr. McCAUL introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To improve the design and construction of diplomatic posts, 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 “Improving Embassy
5 Design and Security Act of 2018”.

6 **SEC. 2. IMPROVING EMBASSY CONSTRUCTION.**

7 (a) FINDINGS.—Congress finds that the decision by
8 the Department of State’s Bureau of Overseas Buildings
9 Operations (“OBO”) to transition from Standard Em-
10 bassy Design to Design Excellence has in many cases—

1 (1) increased the cost of building new embassies
2 and consulates;

3 (2) delayed the move of thousands of staff from
4 facilities that do not meet current security standards
5 to new, secure facilities;

6 (3) exacerbated certain deficiencies in the qual-
7 ity of the Bureau's program management;

8 (4) been a factor in reduced competition for
9 capital construction projects; and

10 (5) been a complicating factor in achieving the
11 Department's own security requirements.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the OBO should give appropriate consideration
14 to Standard Embassy Design, in which each new embassy
15 and consulate starts with a standard design and keeps
16 customization to a minimum.

17 (c) DELIVERY.—

18 (1) DESIGN-BUILD PROJECT DELIVERY.—Ex-
19 cept in cases in which the Secretary of State deter-
20 mines that such would not be appropriate, the Sec-
21 retary shall make use of the design-build project de-
22 livery system at diplomatic posts that have not yet
23 received design or construction contracts as of the
24 date of the enactment of this Act.

1 (2) STANDARD DESIGN.—The Secretary of
2 State shall give preference to the use of a standard
3 design, together with design-build delivery under
4 paragraph (1).

5 (3) VERTICAL STANDARD DESIGN.—The Sec-
6 retary of State shall develop a vertical standard de-
7 sign that can be implemented according to the De-
8 partment of State’s requisite security and spatial
9 needs for diplomatic posts that are to be situated on
10 a smaller plot of land.

11 (4) BRIDGING.—The Secretary of State shall
12 make use of bridging to adapt the standard design
13 under paragraph (2) with design-build project deliv-
14 ery under paragraph (1) at diplomatic posts that re-
15 quire a more customized design due to climatic, geo-
16 graphic, or functional requirements.

17 (5) OTHER APPLICATION.—

18 (A) IN GENERAL.—The Secretary of State
19 may make use of design-bid-build delivery with
20 non-standard design in limited instances of par-
21 ticular diplomatic importance as determined by
22 the Secretary.

23 (B) LIMITATION.—The Secretary of State
24 may not delegate the authority of the Secretary

1 under subparagraph (A) to make use of design-
2 bid-build delivery with non-standard design.

3 (d) CONSULTATION REGARDING NON-STANDARD
4 DESIGNS.—The Secretary of State shall carry out any new
5 diplomatic post project that is in the design phase or pre-
6 design phase as of the date of the enactment of this Act
7 and that utilizes bridging or non-standard design under
8 subsection (c) only after notification to and consultation
9 with the appropriate congressional committees. Such noti-
10 fication and consultation shall include provision to the ap-
11 propriate congressional committees, for each such project,
12 of the following documentation:

13 (1) A comparison of the estimated full lifecycle
14 costs of the project at issue to the estimated full
15 lifecycle costs of such project if such project were to
16 use a standard design.

17 (2) A comparison of the estimated completion
18 date of such project to the estimated completion
19 date of such project if such project were to use a
20 standard design.

21 (3) A comparison of the security of such com-
22 pleted project to the security of such completed
23 project if such completed project were to use a
24 standard design.

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

4 (e) PERFORMANCE EVALUATION.—Not later than
5 180 days after the date of the enactment of this Act, the
6 Secretary of State shall report to the appropriate congres-
7 sional committees regarding performance evaluation meas-
8 ures in line with GAO’s “Standards for Internal Control
9 in the Federal Government” that will be applicable to the
10 Bureau of Overseas Building Operations of the Depart-
11 ment of State.

12 (f) DEFINITIONS.—In this section:

13 (1) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term “appropriate congressional com-
15 mittees” means the Committee on Foreign Affairs of
16 the House of Representatives and the Committee on
17 Foreign Relations of the Senate.

18 (2) BRIDGING.—The term “bridging” means a
19 delivery method for construction projects that is a
20 hybrid of the traditional “design-bid-build” and the
21 “design-build” methods, whereby the Bureau of
22 Overseas Building Operations of the Department of
23 State first contracts with a design firm to develop a
24 project-specific, partial design that a construction
25 contractor and its design firm then complete, the ob-

1 jective of which is to retain the best features of the
2 design-bid-build and design-build methods for the
3 project owner and eliminate those aspects of each
4 such method that often cause problems for such
5 owner.

6 (3) DESIGN-BID-BUILD.—The term “design-bid-
7 build” means a method of project delivery in which
8 a design entity is first contracted to provide a design
9 and a construction entity is subsequently contracted
10 to build the awarded design contract.

11 (4) DESIGN-BUILD.—The term “design-build”
12 means a method of project delivery in which one en-
13 tity, such as the design-build team, works under a
14 single contract with the project owner to provide de-
15 sign and construction services.

16 (5) NON-STANDARD DESIGN.—The term “non-
17 standard design” means a new diplomatic post de-
18 sign that does not utilize a standardized design tem-
19 plate for the structural, spatial, and security require-
20 ments of such post.

21 (6) STANDARD DESIGN.—The term “standard
22 design” means a diplomatic post design that utilizes
23 a standardized design template for the structural,
24 spatial, and security requirements of such post.

○