

## 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 2151q<sup>1</sup> 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.

<sup>1</sup> See References in Text note below.

**(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.

**§ 293. Repealed. Pub. L. 88-94, § 2(a), Aug. 12, 1963, 77 Stat. 122**

Section, acts May 7, 1926, ch. 250, § 2, 44 Stat. 404; May 29, 1928, ch. 876, § 2, 45 Stat. 971; June 19, 1952, ch. 446, § 1, 66 Stat. 140, established the Foreign Service Buildings Commission, prescribed its duties, abolished the prior commission, authorized the issuance of rules and regulations, required annual reports to Congress and provided for appointment of personnel.

**Statutory Notes and Related Subsidiaries**

FOREIGN SERVICE BUILDINGS COMMISSION; REFERENCES IN OTHER LAWS

Pub. L. 88-94, § 2(g), Aug. 12, 1963, 77 Stat. 122, provided that: "All references to the Foreign Service Buildings Commission, originally established by the Foreign Service Buildings Act, 1926 [this chapter] in all laws of the United States are hereby repealed."

**§ 294. Manner of use of buildings; contracts for construction, etc.**

Buildings and grounds acquired under this chapter or prior to May 7, 1926, acquired or authorized for the use of the diplomatic and consular establishments in foreign countries may be used, in the case of buildings and grounds for the diplomatic establishment, as Government offices or residences or as such offices and residences; or, in the case of other buildings and grounds, as such offices or such offices and residences. The contracts for purchases of buildings, for leases, and for all work of construction, alteration, and repair under this chapter are authorized to be negotiated, the terms of the contracts to be prescribed, and the work to be performed, where necessary, without regard to such

statutory provisions as relate to the negotiation, making, and performance of contracts and performance of work in the United States and without regard to section 3324(a) and (b) of title 31.

(May 7, 1926, ch. 250, § 3, 44 Stat. 404; Pub. L. 88-94, § 2(c), Aug. 12, 1963, 77 Stat. 122; Pub. L. 102-138, title I, § 115(c), Oct. 28, 1991, 105 Stat. 656.)

**Editorial Notes**

CODIFICATION

"Section 3324(a) and (b) of title 31" substituted in text for "section 3648 of the Revised Statutes of the United States (31 U.S.C. 529)" on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1991—Pub. L. 102-138 inserted "purchases of buildings, for leases, and for" after "contracts for".

1963—Pub. L. 88-94 struck out " , subject to the direction of the commission," before "be used" and "in the judgment of the commission," after "where necessary," and inserted "and without regard to section 529 of title 31".

**§ 294a. Contracts requiring payment in foreign currency**

Whenever a contract is made for the construction, alteration, or repair of a Foreign Service building which requires payments in a foreign currency, the Secretary of State is authorized to purchase such currency at such times and in such amounts (within the total amount of the payments to be made under such contract) as he may deem necessary, the currency so purchased to be disbursed and accounted for at its cost price.

(May 14, 1940, ch. 189, title I, 54 Stat. 186.)

**Editorial Notes**

CODIFICATION

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

PRIOR PROVISIONS

Prior similar provisions were contained in act June 29, 1939, ch. 248, title I, 53 Stat. 890.

**§ 295. Authorization of appropriations; Foreign Service Building Fund; expenditures; foreign currencies**

(a) For the purpose of carrying into effect the provisions of this chapter there is authorized to be appropriated an amount not exceeding \$10,000,000, and the appropriations made pursuant to this authorization shall constitute a fund to be known as the Foreign Service Building Fund, to remain available until expended. Under this authorization not more than \$2,000,000 shall be appropriated for any one year, but within the total authorization provided in this chapter the Secretary of State may enter into contracts for the acquisition of the buildings and grounds authorized by this chapter. In the case of the buildings and grounds authorized by this chapter, after the initial alterations, repairs, and