

DELIBERATIVE/PRE-DECISIONAL/PRIVILEGED

EXECUTIVE ORDER

Making Federal Buildings Beautiful and ~~Again~~-Regenerative¹

By the authority vested in me as President by the Constitution and the laws of the United States of America it is hereby ordered as follows:

Section 1 · Findings. Climate change has had observable effects on the environment already, effects which will increase into the next century with significant net costs². The Intergovernmental Panel on Climate Change (IPCC), the National Aeronautics and Space Administration (NASA), the Union of Concerned Scientists and the Environmental Defense Fund are among many organizations in agreement. The Founding Fathers attached great importance to Federal architecture. President George Washington and Secretary of State Thomas Jefferson consciously modeled the most important buildings in Washington, D.C. on the classical architecture of democratic Athens and republican Rome. They wanted America's public buildings to physically symbolize our then-new nation's self-governing ideals, because they knew these buildings would last for several generations. Washington and Jefferson, both amateur architects, personally oversaw the competitions to design the Capitol Building and the White House.

For more than a century and a half America's Federal architecture produced beautiful and beloved buildings. Typically, though not exclusively, classical in design, buildings such as the White House, the Capitol Building, the Supreme Court, the Eisenhower Executive Office Building, the Treasury Department, and the Lincoln Memorial have become international symbols of democratic self-government. These universally cherished landmarks, built to endure for centuries, have become an important part of our civic life. Accordingly, '...the idea of a federal architectural policy never arose in the United States prior to the mid twentieth century, as Congress always felt uncomfortable about expanding the scope of the federal government to include what were considered state, local, or private matters...'³

¹ <https://www.merriam-webster.com/dictionary/regenerative>

² <https://climate.nasa.gov/>

³ <https://www.cambridge.org/core/journals/ps-political-science-and-politics/article/daniel-patrick-moynihan-and-his-guiding-principles-for-federal->

DELIBERATIVE/PRE-DECISIONAL/PRIVILEGED

In the 1950s, after the Federal government established the General Services Administration (GSA) to simplify federal property concerns, there was no mention of supporting good design or its impacts on the environment. ~~largely abandoned traditional, classical designs, and began adopting mid-century modernism, including Brutalism, for Federal buildings. This trend accelerated after~~ Promoting the finest contemporary American architectural thought for designs of new federal buildings, John F. Kennedy created the Ad Hoc Committee on Federal Office Space that issued what has become known as the Guiding Principles for Federal Architecture (the Guiding Principles) in 1962. The Guiding Principles encouraged the government to further the interests and the aspirations of the American people in its public buildings with principles that elevate quality and good design and implicitly discouraged imitation. ~~classical and other designs known for their beauty,~~ These principles led to the U.S. GSA Design Excellence Program to state that the development of an official style must be avoided and design must flow from the architectural profession's ~~reigning orthodoxy~~ to the Federal government, and not vice versa⁴, reflecting regional architectural traditions in places where the buildings are located.

~~The Federal architecture that ensued, overseen by the General Services Administration (GSA), ranged from the undistinguished to designs the public widely considered uninspiring, inconsistent with their surroundings and the architectural heritage of a region, and even just plain ugly. Brutalist structures from the 1960 and 70s, which were characterized by monumental geometric forms and exposed materials, were sometimes polarizing, as was the construction of concrete freeways that split neighborhoods, but some have since been conveyed historic status such as the Hubert H. Humphrey Department of Health and Human Services Building, the Frances Perkins Department of Labor Building, and the Robert C. Weaver Department of Housing and Urban Development Building, which was deemed worthy of preservation and added to the National Register of Historic Places in 2008. inspired public derision instead of admiration.~~ In 1994, having recognized the importance of streamlining the hiring of architects and engineers, prioritizing creativity and top-quality design as well as building performance ~~aesthetic failures, including ugliness,~~ of the buildings it was commissioning, the GSA established the Design Excellence Program

[architecture-1962/6D41F24E5A33E5909486F0E39EF01F70](https://www.gsa.gov/real-estate/design-construction/design-excellence/design-excellence-program/guiding-principles-for-federal-architecture)

⁴ <https://www.gsa.gov/real-estate/design-construction/design-excellence/design-excellence-program/guiding-principles-for-federal-architecture>

DELIBERATIVE/PRE-DECISIONAL/PRIVILEGED

in order to adhere to the Guiding Principles' mandate that Federal architecture "must provide visual testimony to the dignity, enterprise, vigor, and stability of the American Government."

~~Un~~Fortunately, the Design Excellence Program has ~~not~~ re-integrated our national values into Federal buildings, which under the Program have often been artistic forward-thinking civic buildings of a high design quality that incorporate the principles of federal architecture with grand public spaces and lasting materials. ~~works of, or have been influenced by, Brutalism and Deconstructivism.~~ For example, the new Los Angeles Federal Courthouse, raised above a welcoming public space, is forward thinking in its exterior skin, its siting, its performance and its ability to be both a secure building and one that appears open and public, fully integrated into the downtown fabric adjacent to City Hall. The ~~new~~ San Francisco Federal Building set new standards for passive design in federal buildings. The only complaints heard for the ~~new~~ Austin U.S. Courthouse relate to the fact that federal building security requirements negatively impact pedestrian accessibility⁵. ~~and the Wilkie D. Ferguson, Jr. U.S. Courthouse in Miami have little aesthetic appeal. With a limited number of exceptions, such as the Tuscaloosa Federal Building and U.S. Courthouse, the Federal government has largely stopped building beautiful buildings that the American people want to look at or work in. Surveys show that the public prefers buildings that predate the Guiding Principles to those built under them.~~⁴

The climate crisis fills the World Economic Forum's 2020 Global Risks Report top five places in the list of concerns likely to have a major impact over the next decade⁶, therefore, after 57 years it is time to update the Guiding Principles to make Federal buildings beautiful and regenerative, renewing or restoring the surrounding biological system, of which humans are a part ~~again~~. Federal architecture should once again inspire respect instead of bewilderment or repugnance, through designs which clean/create water, capture wind or solar energy, capture carbon and are adaptable to provide housing for those immediately impacted by the effects of climate change. New Federal building designs should, like America's beloved landmark buildings, inspire the

⁵ <https://austin.towers.net/the-trump-administration-thinks-this-austin-courthouse-is-really-really-ugly/>

⁶ <https://www.zurich.com/en/knowledge/topics/global-risks/the-global-risks-report-2020>

DELIBERATIVE/PRE-DECISIONAL/PRIVILEGED

public for their aesthetics, make Americans feel proud of our public buildings, and, where appropriate, respect the architectural heritage of a region. ~~Designed to last into the next century and beyond, new federal buildings should address the impacts of climate change, and a future that will most likely be catastrophic, impacting housing, economics and migration among others.~~ Classical and traditional architectural styles are symbols of our past, yet embody principles that transcend style and prove timeless today: civic grandeur, enduring materials and regionalism have ~~an proven their~~ ability to inspire ~~such~~ respect for our system of self-government ~~Their use~~ and should be encouraged. ~~This preference does not exclude~~ Experimentation with new, alternative styles ~~will become necessary as climate change will impact us in ways we cannot imagine.~~ However, care must be taken to fully ensure that such alternative designs command respect by the public for their beauty and visual embodiment of America's ideals, ~~embracing the best principles of the past and the possibilities of a healthy, regenerative future for everyone.~~

DELIBERATIVE/PRE-DECISIONAL/PRIVILEGED

Sec. Policy (a) ~~Architectural styles with special regard for the classical architectural style that value beauty, respect regional architectural heritage, and command admiration by the public are the preferred styles for applicable Federal public buildings. In the National Capital Region and for all Federal courthouses, the classical architectural style shall be the preferred and default style absent special extenuating factors necessitating another style. Architecture must transcend stylistic motives in favor of an integration of regenerative design with the principles of civic space and democracy, resulting in buildings that are not only resilient, but that meet the highest design quality while strengthening communities.~~

(b) ~~Where applicable Federal public buildings are built in a style other than a preferred architectural style set forth in subsection (a) of this section great care and consideration must be taken to choose a beautiful design that conveys the dignity, enterprise, vigor, and stability of America's system of self-government with in the Brutalist and Deconstructivist styles, and the styles derived from them, fail to satisfy these requirements and shall not be used.~~

(c) When renovating, reducing, or expanding applicable Federal public buildings, ~~that were not constructed in a preferred architectural style~~ the feasibility of an all-electric transition and incorporation of renewable power, such as solar or wind, ~~redesign in a preferred architectural style should~~ must be examined, especially in those locations where the electrical grid has already transitioned to be more flexible, expansive and smart. Where feasible and not uneconomical, in a cost-benefit analysis which looks 100 years into the future and takes into account human health, such redesign should be given serious consideration, especially with regard to the building's exterior elevations.

~~(d) When GSA holds design competitions for applicable Federal public buildings GSA shall:~~

~~(i) , Publicize and hold public comment periods on the final building designs under consideration;~~

~~(ii) Convene panels composed of the public to hear their views on the proposed designs, and~~

DELIBERATIVE/PRE-DECISIONAL/PRIVILEGED

~~(iii) Incorporate, in a manner consistent with the requirements of this section and the Guiding Principles, as updated, the public's comments in its decisions with respect to the architectural style for the building.~~

DELIBERATIVE/PRE-DECISIONAL/PRIVILEGED

With respect to the public panels, participants shall ~~not~~ include artists, architects, engineers, art or architecture critics, members of the building industry or any other members of the public that are affiliated with any interest group or organization involved with the design, construction or otherwise directly affected by the construction or remodeling of the building. In order to maintain a high standard of integrated design, i.e. beyond simply what a building 'looks like', design reviews must also include the building's spatial qualities. The Federal Government shall lead by example and design all Federal Buildings to include resiliency in the face of climate change and carbon-neutral or carbon-positive materials and operations, including passive design, for both new and retrofit buildings, and to ensure that a 'classical aesthetic', or any other aesthetic or style, is not stuck on as an afterthought. In fact, it is possible, due to the challenge architects, engineers and designers face in the 21st century, a new design style will emerge, one that will perform better than any previous style in both design and building performance. This shall be our watchword and will set an example for future generations to follow.

Sec. I.:_Definitions. For the purposes of this order:

{a) "Applicable Federal public building" means (i) all Federal courthouses and agency headquarters, (ii) all Federal public buildings in the National Capital Region, and (iii) all other Federal public buildings that did or are expected to cost more than \$50 million in constant 2020 dollars to complete, but does not include infrastructure projects or land ports of entry.

{b) "Brutalist style" means the architectural style that grew out of the early-20th century modernist movement that is characterized by *a* massive, monolithic, stark, and block-like appearance with a rigid geometric style and large-scale use of exposed poured concrete.

{c) "Classical architectural style" means the architectural style derived from the forms and principles of classical Greek and Roman architecture, and as later employed by such Renaissance architects as Michelangelo and Palladio; such Enlightenment masters as Christopher Wren and Robert Adam; such nineteenth-century architects as Charles F. McKim, Robert Mills, and Richard Morris Hunt; and such twentieth-century

DELIBERATIVE/PRE-DECISIONAL/PRIVILEGED

practitioners as John Russell Pope and the firm of Delano and Aldrich.

(d) "Constant 2020 dollars" means dollars adjusted for inflation using the Bureau of Economic Analysis's GDP price deflator and using 2020 as the base year.

(e) "Deconstructivist style" means the architectural style that emerged from postmodernism toward the late 1980s that subverts the traditional values of architecture via fragmentation, disorder, discontinuity, distortion, skewed geometry, and the appearance of instability.

(f) "Officer" has the meaning given that term in section 2104 of title 5, United States Code.

(g) "Public building" has the meaning given that term in section 3301(a)(5) of title 40, United States Code.

(h) "Traditional architectural style" means classical architectural styles and such historic humanistic styles as the Gothic style, the Romanesque style, and the Spanish colonial and

DELIBERATIVE/PRE-DECISIONAL/PRNILEGED

other Mediterranean styles generally found in Florida and the American Southwest.

Sec. 4. President's Committee for the Re-Beautification of Federal Architecture. (a) There is established the President's Committee on the Re-Beautification of Federal Architecture (the Committee).

(b) The Committee shall consist of the Commissioner of the General Services Administration (GSA) Public Building Service (PBS), at least one member of the U.S. Commission of Fine Arts designated by the President, and such other officers or employees of the Federal government designated for participation by the President. The President shall designate the Committee Chair from among the Committee's members, and the Chair may designate a vice-Chair.

(c) The members of the Committee shall serve without additional compensation for their work on the Committee. However, members of the Committee may receive travel expenses, including per diem in lieu of subsistence, pursuant to section 5703 of title 5, U.S. Code.

(d) To the extent permitted by law, the GSA Administrator (the Administrator) shall furnish the Committee with necessary staff, supplies, facilities, and other administrative services. The expenses of the Committee shall be paid from funds available to the Administrator. The Administrator will direct GSA staff to cooperate fully with the work of the Committee, including providing any relevant information they request.

(e) The Committee shall terminate one year from the date of this order.

Sec. Responsibilities of the Committee. The Committee shall be responsible for:

(a) Submitting a report to the President, through the Director of the Domestic Policy Council (the Director), and the Administrator recommending updates to the Guiding Principles for Federal Architecture (Guiding Principles) to reflect the findings of section 1 of this order, incorporate the policies of section 2 of this order, and to otherwise advance the purposes of this order. Such report shall explain how the recommended updates accomplish these purposes and promote the construction and/or renovation of applicable Federal public buildings that command respect by the public for their beauty and visually

DELIBERATIVE/PRE-DECISIONAL/PRIVILEGED

embody America's ideals. Such report shall be due within 60 days of the date of this order.

(b) Recommending to the Administrator changes to GSA policies when the agency participates in a design selection pursuant to the Commemorative Works Act to advance the purposes of this order.

(c) Consulting with the Administrator on the rulemakings prescribed by section 6 of this order.

Sec. 5. Agency Actions. (a) Upon receipt of the Committee's recommended updates to the Guiding Principles the Administrator shall:

(i) promptly adopt and implement the Committee's recommended updates to the Guiding Principles, except to the extent that the Administrator and Director jointly determine one or more provisions in the recommended updates are either infeasible or cost ineffective;

(ii) in consultation with the Committee, prepare and propose for public comment a regulation that incorporates the updated Guiding Principles and the policies of section 2 of this order into GSA policies, practices, and procedures, and that otherwise advances the purposes of this order. Such rulemaking shall be categorized as a significant regulatory action for purposes of Executive Order 12866 of September 30, 1993, as amended. Any subsequent modification to either the regulations finalized pursuant to this section or the updated Guiding Principles shall be subject to public notice and comment and shall be categorized as a significant regulatory action for purposes of Executive Order 12866.

(b) In the event the Administrator proposes to approve a design for a new applicable Federal public building that is not ~~artistic, forward-thinking and of a high design and regenerative quality, in a preferred architectural style (or, in the National Capital Region or for a Federal courthouse, not in the classical style)~~ the Administrator shall notify the President of this fact not less than 30 days before the GSA could reject such design without incurring substantive expenditures. Such notification shall set forth the reasons the Administrator proposes to approve such design, including:

(i) A detailed explanation, whose authorship the Administrator cannot delegate, of why the Administrator believes selecting such design is justified, with

DELIBERATIVE/PRE-DECISIONAL/PRIVILEGED

particular focus on whether such design is as beautiful and reflective of the dignity, enterprise, vigor, and the stability of the American system of self-government as alternative designs of comparable cost in a traditional architectural style;

(ii) The total expected ~~life-cycle~~ cost of adopting the proposed design, ~~including maintenance and replacement costs throughout its expected lifecycle; and~~

~~(iii) A description of the traditional or classical designs seriously considered for such project and the total expected cost of adopting such designs, including maintenance and replacement costs throughout their expected lifecycles.~~

Sec. 7. General Provisions.

(a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof;
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals; or
- (iii) existing rights or obligations under international agreements.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

