

# **12 FAM 360**

## **CONSTRUCTION SECURITY CERTIFICATION PROGRAM**

*(TL:DS-82; 07-16-2002)*

### **12 FAM 361 SCOPE AND AUTHORITY**

#### **12 FAM 361.1 Purpose**

*(TL:DS-39; 8-15-94)*

a. The Construction Security Certification Program assures Congress that the Department of State has taken appropriate and adequate steps before:

(1) Undertaking any new construction or major renovation project in any facility abroad intended for the storage of classified materials or the conduct of classified activities; or

(2) Approving occupancy of a similar facility for which construction or major renovations began before December 22, 1987.

b. The Certification Program also assures Congress that a plan is in place for the continued evaluation and maintenance of adequate security at such facility.

c. For such facilities, no contract should be awarded or construction undertaken until the proponent of a project has been notified by the Department that the appropriate certification action has been completed.

#### **12 FAM 361.2 Applicability**

*(TL:DS-39; 8-15-94)*

a. All new construction or renovation projects in a facility under the authority of a chief of mission are subject to either certification to Congress or internal Departmental confirmation when the facility is intended for the storage of classified materials or the conduct of classified activities and such a project affects a controlled access area (CAA) space or public access control (PAC) space. The certification requirement is applicable to all new office buildings (NOBs).

b. The Office of Physical Security Programs, Physical Security Division, Certification and Transit Branch (DS/PSP/PSD/CAT) administers a two-tier system to meet the statutory certification requirements:

(1) Certification projects—The construction security of all new buildings and major renovation projects (over \$1 million) in any facility abroad intended for the storage of classified materials or the conduct of classified activities where the project would affect controlled access areas (CAAs) or public access controls (PACs) is certified to Congress; and

(2) Confirmation projects—The construction security of projects in any facility abroad intended for the storage of classified materials or the conduct of classified activities where the project would affect CAAs or PACs but costs less than \$1 million, is confirmed internally.

## **12 FAM 361.3 Responsibility**

(TL:DS-82; 07-16-2002)

a. The chief of mission is responsible for ensuring that no project subject to either certification or confirmation is initiated without certification or confirmation approval.

b. The proponent (*i.e.*, post, Department organization, or tenant agency) of a project covered by 12 FAM 361.2 paragraph a, is responsible for providing the *Bureau of Overseas Buildings Operations (OBO)*, *Office of Project Execution (OBO/PE)*, *Security Management Division (OBO/PE/SM)* with complete project information. This information is used to prepare the construction security plan (CSP). *Additionally, a memorandum of agreement (MOA) exists between DS and OBO regarding responsibilities for security accreditation inspections and procedures for the resolution of issues (see 12 FAM 360 Exhibit 361.3). The MOA establishes guidelines for the conduct of accreditation inspections, ensures that inspections complement the requirements established in building and commissioning plans promulgated by OBO and establishes a follow-up process to track remedial actions resulting from accreditation inspection findings and recommendations.*

c. After assembling complete information on the project, *OBO/PE/SM* will provide DS/PSP/PSD/CAT with the CSP and other required data. The CSP will be project specific and will include a statement of work, labor schedule, and procurement plan. Document, personnel, and procedural security requirements are also to be included in the CSP, along with any additional information necessary to provide a clear security overview of the project.

d. After mandatory consultation with the Director of Central Intelligence (DCI), DS/PSP/PSD/CAT will:

(1) Determine the need for a certification or internal confirmation;

(2) Prepare a Congressional certification or internal confirmation package, where appropriate; and

(3) Coordinate the Congressional certification or internal confirmation action.

## **12 FAM 361.4 Authorities**

(*TL:DS-82; 07-16-2002*)

The requirement for a construction security certification program is established by *Public Law 100-204*, the Foreign Relations Authorization Act for Fiscal Years 1988 and 1989, Section 160, as amended by *Public Law 101-246*, the Foreign Relations Authorization Act, Fiscal Year 1990 and 1991, Section 135 (22 U.S.C. Section 4851 note).

## **12 FAM 362 CERTIFICATION ACTION**

### **12 FAM 362.1 Congressional Certification**

(*TL:DS-39; 8-15-94*)

a. The construction security of all construction or renovation projects described in 12 FAM 361.2 paragraph a, and costing \$1 million or more, including all NOBs, will be certified by the Secretary of State to the Senate Foreign Relations Committee and the House Foreign Affairs Committee. This authority has also been delegated to the Under Secretary for Management.

b. The Secretary of State, after consultation with the DCI, certifies the following:

(1) Appropriate and adequate steps have been taken to ensure the security of the construction project (including an evaluation of how all security-related factors with respect to such project are being addressed);

(2) The facility resulting from such project incorporates:

(a) Adequate measures for protecting classified information and rational security-related activities;

(b) Adequate protection for the personnel working in the facility; and

(3) A plan has been put into place for the continued evaluation and maintenance of adequate security at such facility. *The* plan shall specify the physical security methods and technical countermeasures necessary to ensure secure operations, including any personnel requirements for such purposes.

## **12 FAM 362.2 Department Confirmation**

(TL:DS-82; 07-16-2002)

a. All construction or renovation projects will be confirmed, depending on the nature of the project, by the Assistant Secretary for Diplomatic Security or a designate, to the file if they are covered by 12 FAM 361.2 paragraph a, and:

- (1) Costs less than \$1 million but more than \$100,000; or
- (2) Costs less than \$100,000 but requires more than 15 man-days to complete; or
- (3) Post or the Department believes the project to be of such security significance that it should be reported to the Department.

b. Departmental confirmation requires the same information required for congressional certification. See 12 FAM 362.1 paragraph b.

c. The plan must be made available to security engineering officers (SEOs) for the conduct of a technical inspection of the project, if appropriate.

## **12 FAM 363 EMERGENCIES**

(TL:DS-82; 07-16-2002)

a. In the event of an emergency which threatens national security activities or information, life or safety, including structural damage to a building, emergency repairs may be made in a CAA or to a PAC without prior Department notification. These repairs will be limited to those necessary to remove the immediate danger.

b. The RSO or PSO will notify DS/PSP/PSD/CAT and *OBO/PE/SM*, and the responsible engineering services center by immediate telegram. If the RSO is not resident at post, the PSO will also notify the RSO by immediate telegram. The telegrams will include:

- (1) Nature of the emergency;
- (2) Extent of repairs;
- (3) Who made the repairs, (e.g., GSO, Foreign Service nationals, host-country contractors); and
- (4) A synopsis of security measures taken to ensure the continued integrity of the CAA (e.g., escorts, surveillance, etc.).

c. Emergency repair work is not exempt from certification or confirmation action. Therefore, the security procedures which are implemented must be adequate to permit certification or confirmation after the fact.

## **12 FAM 364 THROUGH 369 UNASSIGNED**

**12 FAM 361 Exhibit 361.3**  
**MEMORANDUM OF AGREEMENT BETWEEN**  
**BUREAU OF DIPLOMATIC SECURITY (DS)**  
**AND BUREAU OF OVERSEAS BUILDINGS**  
**OPERATIONS (OBO) REGARDING**  
**RESPONSIBILITIES FOR SECURITY**  
**ACCREDITATION INSPECTIONS AND**  
**PROCEDURES FOR THE RESOLUTION OF**  
**ISSUES**

*(TL:DS-82; 07-16-2002)*

**PURPOSE**

This Memorandum of Agreement (MOA) between the Bureau of Diplomatic Security (DS), and the Bureau of Overseas Buildings Operations (OBO) codifies existing, long-standing practices between specified offices within DS and OBO. The MOA establishes guidelines for the conduct of accreditation inspections and ensures that inspections complement the requirements established in building and commissioning plans promulgated by OBO. The MOA also establishes a follow-up process to track remedial actions resulting from accreditation inspection findings and recommendations.

**OBJECTIVE**

The Accreditation Inspection Program is a significant component of the Department's compliance with Public Law 100-204, as amended. This law requires certification to Congress that, for all new construction or renovation projects overseas intended for the storage of classified materials or the conduct of classified activities, adequate and appropriate security measures will be in place prior to the beginning of construction. These procedures will include security measures to be undertaken during construction as well as those that will become a permanent part of the completed project.

In the Bureau of Diplomatic Security, the Physical Security Division (DS/PSP/PSD), within the Office of Physical Security Programs, has primary responsibility for establishing technical and physical security inspection requirements for all new office buildings (NOB) and existing office buildings scheduled for major renovations.

Within DS/PSP/PSD, the Certification, Accreditation and Transit Security Branch (DS/PSD/CAT) administers the Accreditation Inspection Program. This Branch verifies that security of a newly constructed or renovated overseas facility intended for the storage of classified materials or the conduct of classified activities meets relevant Overseas Security Policy Board (OSPB) physical and technical security standards. A functional portion of the Accreditation Inspection Program also includes a construction security documentation review to ensure that the Construction Security Plan (CSP) and related security documentation were followed throughout the course of the project.

In coordination with OBO's Commissioning Program (Policy & Procedure Directive PM007), accreditation inspections will occur during specific construction cycle periods. The intent is to ensure that construction security certification documentation and applicable physical and technical security standards requirements have been incorporated into the construction process as well as the finished facility. In addition, the accreditation inspection process constitutes a security baseline for the particular site and from a point against which follow-on security services can be measured and evaluated.

## **SCOPE**

Prior to the accreditation inspection, the DS/PSD/CAT team leader will review all applicable procedures with OBO's Project Director (PD). Actual inspections will include a series of on-site reviews to verify that all appropriate physical and technical security measures are effectively implemented, are adequate, and meet OSPB standards, as excepted, if applicable. The Accreditation Inspection Program includes preparation of interim and final reports with recommendations for information, action, and final resolution as a condition to issuance of the Certification of Occupancy by OBO.

There will be a minimum of two accreditation inspections for NOB projects.

(1) The first inspection will focus on reviews of certification documentation and supporting specifications, a review of temporary technical and physical security installations, and the conduct of a baseline Technical Security Countermeasures Inspection (TSCM). The first inspection will normally occur at commencement of construction activities or at the time of demolition for a major renovation.

(2) When possible, an interim inspection will take place midway through the construction effort, generally when the facility has reached "completion of general construction" (i.e. building is enclosed with exterior windows and doors in place). The interim inspection process goal is to identify and correct potential security problems early in construction. This inspection will include those areas highlighted during the initial inspection, as well as reviews of the Transit Security Program implementation, and of any work associated with permanent physical and technical security systems and a TSCM.

(3) The final inspection will occur after cable notification by the OBO Project Director (PD) in coordination with the OBO Site Security Manager (SSM) that all conditions required in the attached Accreditation Checklist have been completed and when actions required by OBO/PE/SM, as contained in the following Responsibilities paragraph, have been accomplished. The final inspection, which will take place while the Project Director and the general contractor are still on site, will include a review of all security documentation and also address the following areas to ensure that they meet all applicable security standards in accordance with the project's contract Scope of Work (SOW):

- Perimeter walls and fencing
- Perimeter lighting
- Perimeter alarm system
- Compound Access Control (CAC) Facility
- Exterior Forced Entry/Ballistic Resistant (FE/BR) door/windows and primary hard-line Interior Forced Entry/Ballistic Resistant (FEIBR) doors/windows/louvers and secondary hard-line window grill work Shatter-Resistant Window Film (SRWF)
- CAA alarm system
- Fire alarm systems installed in core areas, parent rooms, and certified shielded enclosures
- Wheelock I IDNS
- Closed circuit television (CCTV) system Door control system
- Automated Access Control System (AACS) Systems Interface Cabinet (SIC)
- Marine Security Guard (MSG) Post One Telephone system

- Electrical systems associated with emergency generators, Information Processing Unit (IPU), grounding, parent rooms, and certified shielded enclosures (CSE). Shielded enclosures
- Controlled Access Areas
- Chemical and Biological Warfare Countermeasures Systems

## **RESPONSIBILITIES**

As the conduit between DS and OBO, DS/PSD/CAT will coordinate all accreditation inspections with OBO/PE/SM, which, in turn, will consult with OBO/PE/CM, PM, and, when required, other project elements, e.g., PE/DE. OBO/PE/SM will act as final focal point for OBO management and on-site personnel regarding accreditation issues. The OBO/PE/CM Project Director has overall responsibility for security of the construction project.

DS/PSD/CAT will:

- Identify and schedule accreditation inspections based on the project SOW (NOB or major renovation), the human and technical intelligence threat level, and requirements dictated by the construction security certification process in conjunction with OBO's construction schedule.
- Determine types of inspection equipment and inspection techniques to be employed. Determine the accreditation inspection scope based on criteria outlined above.
- Determine the composition of accreditation inspection teams.
- Extend an invitation to OBO/PE/SM to participate in accreditation inspections.
- Conduct and complete inspections in the required time frames to avoid project delays. Review project security based on previous criteria, making recommendations as required, and within the team's capabilities and expertise, assist PE/SM with resolutions to any recommendations.
- Prepare draft report(s) (interim or final) and an Executive Summary, with recommendations, while on site.
- Discuss the Executive Summary and recommendations with the OBO Project Director, Site Security Manager (SSM), and post management.

- Issue a Notice of Substantial Compliance as part of the final accreditation inspection report. The notice will indicate that there are no outstanding security issues that would preclude occupancy but, if discrepancies exist that require action prior to issuance of the final security accreditation approval, the notice will include a listing of the discrepancies with recommendations for corrective action.
- Develop and distribute to OBO/PE/SM, a draft accreditation report for each inspection (interim or final) within 30 working days from inspection completion and/or receipt of inspection materials from the project site. The draft report also will include any minority reports that may be generated as a result of the inspection.
- Schedule a meeting with OBO/PE/SM following its review of the draft report, but not later than 15 working days after report distribution to OBO/PE/SM. Review draft report recommendations jointly and resolve all outstanding issues.
- Prepare a final report to include annotations as to corrective actions taken and/or assignment of action. Resolution of issues will be made in writing and attached to the final report as appropriate. Items not resolved will require a plan of action with completion milestones as mutually agreed by OBO/PE/SM.
- Distribute reports to appropriate personnel within the Department, the post, and the responsible Engineering Services Center (ESC).
- Track unresolved issues and prepare an amended report or a change to the report, as appropriate.
- Issue a follow-up Memorandum of Compliance stating that the project meets physical and technical security standards. The memorandum will serve also as a report of formal project closure for construction security issues.

OBO/PE/SM will:

- Provide identification and scope of project, project-specific Construction Security Plan (CSP), and tentative schedules to DS/PSD/CAT.
- Coordinate with DS/PSD/SDI and review all DS-approved physical and technical security exceptions to OSPB standards for each specific project to be inspected.

- Provide construction schedule updates on a regular basis to DS/PSD/CAT regarding those projects for which an accreditation inspection is scheduled based on reports from the OBO Project Director.
- Provide an overview, prior to a scheduled inspection, of current projects status, work accomplished, work schedules, delays, and unresolved issues that might affect the conduct of the accreditation inspection.
- Provide assurance in writing, in preparation for the final accreditation inspection, that the following actions have been accomplished: installation of all security systems; all MTCRs, CSEs, or other enclosures; all fire protection equipment; and all telephones. Additionally, ADP systems distribution nets must be installed or secured in approved secure storage areas and the UPS installation must be complete.
- Provide assistance, through the Site Security Manager (SSM), to the accreditation team prior to and during the inspection. Such assistance shall include, but is not limited to meeting and assisting, making arrangements for lodging, picking up and providing for secure storage of pouched inspection equipment, and providing for secure workspace.
- Coordinate inspection activities with the OBO Project Director through OBO/PE/CM, in conjunction with the accreditation team leader.
- Review the draft accreditation report upon receipt and meet with DS/PSD/CAT to jointly review report recommendations and resolve any outstanding issues through a plan of action.
- Provide written responses for all issues, other than those that require DS response/action, to either resolve the issue or to indicate agreement with the office responsible for resolution.
- Extend an invitation to OBO/DE to participate in the accreditation inspection, when appropriate.

## **RESOLUTION OF ISSUES**

All accreditation report recommendations and findings will be reviewed by OBO/PE/SM, CM, and PM and discussed in a joint meeting with DS/PSD/CAT within 15 working days of receipt of report. The meeting will be chaired by DS/PSD/CAT. Minutes will be kept of the issues discussed and proposed recommendations. A written record is required of all recommendations or findings and of each action taken. For issues not under DS or OBO purview, OBO/PE/SM will act as the point of contact with action of-

ices and will be responsible to ensure that required corrective measures are taken and documented.

When recommendations have been accomplished, OBO/PE/SM, or the assigned office responsible for taking action, will provide a statement to DS/PSD/CAT listing corrective actions taken. The statement will note that all recommendations have been satisfactorily resolved. Upon receipt of the required statements and completion of action notices, DS/PSD/CAT will issue a Memorandum of Compliance for all physical and technical security systems.

Recommendations and findings that cannot be resolved immediately, or for which a clear plan of action is not available, will be presented to DS/PSD/CAT in a special meeting with OBO/PE/SM and the appropriate action office. The purpose of the meeting will be to arrive at a consensus as to the recommendations and actions required.

## **IMPLEMENTATION**

This Memorandum of Agreement becomes effective upon the signatures of the Assistant Secretary, Bureau of Diplomatic Security, and the Director/Chief Operating Officer, Overseas Buildings Operations.

This agreement will be reviewed at least triennially and may be modified upon mutual written consent of the parties involved. Termination of the MOA may be by written notification from either signatory a minimum of 90 days prior to the intended date of termination.

David G. Carpenter, Assistant Secretary for Diplomatic Security (DS)  
Date: 04/25/02

Charles E. Williams, Director/Chief Operating Officer, Overseas Buildings  
Operations  
Date: 5/06/02

Washington, DC