

12 FAM 300 PHYSICAL SECURITY PROGRAMS

12 FAM 310 PHYSICAL SECURITY OF FACILITIES ABROAD

*(CT:DS-121; 09-21-2006)
(Office of Origin: DS/C/PSP)*

12 FAM 311 SCOPE AND AUTHORITY

12 FAM 311.1 Policy

(CT:DS-121; 09-21-2006)

This section implements the security responsibilities of the Secretary under the Secure Embassy Construction and Counterterrorism Act of 1999 ("SECCA") and the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

12 FAM 311.2 Applicability

(CT:DS-121; 09-21-2006)

- a. All new embassy compounds (NECs), new office buildings (NOBs), and newly acquired buildings (NABs), or commercial office space, intended for the conduct of diplomacy, whether acquired by purchase or lease, must conform to the collocation and setback requirements set forth in the Secure Embassy Construction and Counterterrorism Act of 1999 ("SECCA") (22 U.S.C. 4865) with an effective date of November 29, 1999.
- b. All NECs, NOBs, NABs, and existing office buildings (EOBs), including commercial office space, are also subject to the Overseas Security Policy Board (OSPB) security standards and policies promulgated in 12 FAH-6. For EOBs only, the physical security standards apply to the maximum extent feasible or practicable as defined in 12 FAH-5 H-121.1.
- c. These statutory requirements and standards apply to all official diplomatic facilities and U.S. Government personnel abroad that are under the

authority of the Chief of Mission (COM). U.S. Government personnel include U.S. citizens and Locally Employed Staff (LES) who are employed via direct-hire appointments, Personal Services Contractors (PSCs), or Personal Services Agreements (PSAs) (2 FAH-2 H-114).

12 FAM 311.3 Authorities

(CT:DS-121; 09-21-2006)

- a. The Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399;) (22 U.S.C. 4801, et seq.).
- b. The Secure Embassy Construction and Counterterrorism Act of 1999 (Public Law 106-113; 22 U.S.C. 4865) and Conference Report 106-479.
- c. Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228), Section 505 (22 U.S.C. 3927, as amended) (Exemption of Voice of America Correspondents on Official Assignment from Responsibilities of the Secretary and Chief of Mission).
- d. Section 691 (Public Law 107-228) (Sense of Congress Regarding the Location of Peace Corps Offices Abroad).

12 FAM 312 PROGRAM MANAGEMENT RESPONSIBILITIES

(CT:DS-121; 09-21-2006)

- a. As set forth in the President's Letter to each COM at the beginning of an administration or when appointed, each COM is directly responsible for the security of his or her mission (1 FAM 013; 2 FAH-2 H-112.3).
- b. The Office of Physical Security Programs, Physical Security Division (DS/PSP/PSD), is responsible for ensuring that all new construction and major renovation design plans for buildings occupied by U.S. Government personnel under the authority of a COM comply with SECCA requirements and OSPB physical security standards and policies.
- c. The Bureau of Overseas Buildings Operations (OBO) is responsible for implementing SECCA requirements and OSPB security standards and policies into building projects (1 FAM 281).

12 FAM 313 SECURE EMBASSY CONSTRUCTION AND COUNTERTERRORISM ACT (SECCA)

(CT:DS-121; 09-21-2006)

- a. SECCA establishes statutory security requirements for U.S. diplomatic facilities involving collocation and setback.
 - (1) Site Selection (Collocation): The State Department, in selecting a site for any new U.S. diplomatic facility abroad, must collocate all U.S. Government personnel at the post (except those under the command of an area military commander) on the site.
 - (2) Perimeter Distance (Setback): Each newly acquired U.S. diplomatic facility must be sited not less than 100 feet (30.48 m) from the perimeter of the property on which the facility is situated.
- b. U.S. diplomatic facilities are defined for purposes of the SECCA to include any chancery, consulate, or other office notified to the host government as diplomatic or consular premises in accordance with the Vienna Conventions on Diplomatic and Consular Relations. It also includes offices subject to a publicly available bilateral agreement with the host government that recognizes the official status of the U.S. Government personnel present in the facility.
- c. Normally, under the parameters of this definition, certain types of activities are excluded, including:
 - (1) Offices occupied by U.S. Government personnel at facilities owned and operated by the host-country government in order to accomplish their mission, e.g., U.S. military training, anti-terrorism assistance training; sales support and liaison offices collocated with host-country ministries or military units; protective service missions for foreign government heads of state; and U.S. Treasury personnel working in a host nation Ministry of Finance;
 - (2) Commercial office space or hotel rooms rented for temporarily assigned U.S. Government personnel supporting a short-term international conference or meeting;
 - (3) Nonoffice sites or facilities where technical operations may be conducted, e.g., U.S. Customs pre-clearance centers and Foreign Broadcast Information Service (FBIS) facilities;
 - (4) Facilities occupied by Peace Corps volunteers but not country directors and staff;
 - (5) Residential facilities or spaces;
 - (6) Warehouses (storage only), garages, guard booths, and other nonoffice facilities;
 - (7) Consular agencies and Center for Disease Control (CDC) research laboratory facilities operating from non-U.S. Government-leased spaces;

- (8) Non-U.S. Governmental organizations leasing U.S. Government facilities;
- (9) Voice of America (VOA) relay stations (collocation only); and
- (10) VOA Correspondents on official assignment.

12 FAM 314 OSPB SECURITY STANDARDS

(CT:DS-121; 09-21-2006)

- a. The Bureau of Diplomatic Security, Office of Physical Security Programs (DS/C/PSP), in concert with OSPB working groups, has developed and is responsible for a number of security standards, as approved by the OSPB, for three of six threat categories – political violence, technical, and crime. Those involving the technical threat are a shared responsibility with the Office of Security Technology. These standards cover Armored Vehicles; Classified Facility Lock and Leave; Construction Security; Construction Materials and Transit Security; Design and Construction of Controlled Access Areas; Physical Security of Unclassified Warehouses; Post Communications Centers; Physical Security; Secure Procurement for Controlled Access Areas; and Special Protective Equipment. OSPB security standards for Local Guards, Residential, and Emergency Plans and Exercises are the responsibility of the Office of International Programs. OSPB security standards for human intelligence and other technical threats involving technical countermeasures are the responsibility of the Office of Security Technology. All of the above standards are covered in 12 FAH-6.
- b. The Office of Intelligence and Threat Analysis semi-annually publishes the Security Environment Threat List (SETL) reflecting the level of threat in each of the six threat categories (12 FAH-6). Other threat categories not addressed above are Transnational Terrorism and Indigenous Terrorism. Security standards against the terrorism threat categories are part of the Physical Security Standards that also serve as countermeasures against the political violence threat. The standards identified as countermeasures against terrorism are identical across the board at all threat levels.

12 FAM 315 WAIVERS AND EXCEPTIONS

12 FAM 315.1 SECCA – Waiver Authority

(CT:DS-121; 09-21-2006)

- a. The Secretary of State may waive the statutory collocation requirement only if the Secretary, together with the head of each agency employing

personnel that would not be located at the site, determines that security considerations permit and it is in the national interest of the United States.

- b. The perimeter distance requirement may be waived "if the Secretary determines that security considerations permit and it is in the national interest of the United States."
- c. The Secretary may not delegate the waiver authority with respect to the collocation and setback requirements for a chancery or consulate building. For this purpose, a chancery or consulate building is a building solely or substantially occupied by the U.S. Government that is newly constructed or otherwise acquired where the main business of the U.S. Government is performed in that city.
- d. The Secretary has delegated the waiver authority with respect to the collocation and setback requirements for all other offices, including annexes and chancery/consulate facilities that do not substantially occupy a building, to the Assistant Secretary for Diplomatic Security in consultation with the Director/Chief Operating Officer of the Bureau of Overseas Buildings Operations (OBO). This flexibility was provided by Congress with the expectation that waivers used by the Secretary would be infrequent, and therefore, considered more seriously in the instances such a waiver is exercised (Delegation of Authority No. 274).
- e. Application for waivers to collocation and setback requirements should be directed to the Physical Security Division, Office of Physical Security Programs, for processing and evaluation prior to being forwarded to the Assistant Secretary for Diplomatic Security for approval or recommendation to the Secretary. Waiver requests must contain all of the information stipulated in 12 FAH-5 H-300.

12 FAM 315.2 OSPB Security Standards – Exception Authority

(CT:DS-121; 09-21-2006)

- a. All OSPB security standards will be met in new facilities whether constructed or acquired by purchase or lease. Every attempt will be made to acquire sites or new facilities that meet the physical security standards, particularly floor loading capacity, and that are noncontiguous with adjacent buildings. In the event that compliance with one or more standards of those identified in 12 FAM 314 a may not be possible for a specific building, application for an exception to the standard(s) may be made by the post, agency, or Department organization. Applications for exceptions should be directed to the Physical Security Division, Office of Physical Security Programs, for processing and evaluation prior to being forwarded to the Assistant Secretary for Diplomatic Security. Exception

requests must contain all of the information stipulated in 12 FAH-5 H-200.

- b. Regional Security Officers (RSOs) will ensure that the physical security standards are met in existing office buildings to the maximum extent practicable or feasible. Feasibility is determined by physical limitations, legal constraints, and practicality as defined in 12 FAH-5 H-121.1. This includes agency-specific applications of those standards as defined by agreements approved by the Assistant Secretary for Diplomatic Security. Although exception requests are not required, when physical security standards cannot be met due to physical limitations, legal constraints, or practicality, documentation pertaining to the inability to institute a particular standard must be obtained by the RSO with copies furnished to the Office of International Programs and the Physical Security Division.
- c. At least once every 3 years or upon the acquisition of a new facility, RSOs must conduct physical security surveys of their post facilities to determine if such facilities within their regions meet the standards as required and to identify deficiencies requiring correction.

12 FAM 315.3 Application of Statutory Requirements and OSPB Security Standards

(CT:DS-121; 09-21-2006)

- a. New U.S. chancery/consulate buildings, solely or substantially occupied by the U.S. Government, must meet collocation and 100-foot (30.48 m) setback statutory requirements; otherwise, waivers to the statutory requirements must be granted by the Secretary. These new U.S. diplomatic facilities must also meet OSPB security standards identified in 12 FAH-6; otherwise, exception(s) to those standards listed in 12 FAM 314 a must be granted by the Assistant Secretary for Diplomatic Security.
- b. New U.S. diplomatic facilities, other than the chancery and consulate buildings, must meet collocation and 100-foot (30.48 m) setback statutory requirements and other OSPB security standards identified in 12 FAH-6; otherwise, waiver(s) to the statutory requirements and exception(s) to those standards listed in 12 FAM 314 a must be granted by the Assistant Secretary for Diplomatic Security.
- c. New U.S. diplomatic facilities, determined by DS to be chancery and consulate offices not constituting substantial occupancy in terms of space or people within commercial and other facilities, must meet collocation and 100-foot (30.48 m) setback statutory requirements and OSPB security standards for a "chancery or consulate" in accordance with 12 FAH-6; otherwise, waiver(s) to the statutory requirements and exception(s) to those standards listed in 12 FAM 314 a must be granted by the Assistant Secretary for Diplomatic Security.

- d. American Presence Posts, although regarded as “consulates,” do not perform the same tasks as the usual chancery or U.S. consulate and are intended to operate with one or two cleared U.S. citizen employees. These facilities are best suited for location in a commercial building as a “Tenant of Commercial Office Space” for OSPB physical security standards purposes. The statutory requirement of 100-foot (30.48 m) setback also applies.

12 FAM 315.4 Chief of Mission/Principal Officer Approval

(CT:DS-121; 09-21-2006)

The Chief of Mission or the principal officer, ultimately responsible for the physical security of personnel at post, must approve the waiver or exception request.

12 FAM 315.5 Congressional Notification and Report Requirements

(CT:DS-121; 09-21-2006)

- a. The Secretary must notify the appropriate congressional committees in writing of any waiver with respect to a chancery or consulate building and the reasons for the determination, not less than 15 days prior to implementing a statutory collocation or setback waiver.
- b. By 15 March, the annual report of all collocation and setback waivers, granted by the Secretary and the Assistant Secretary for Diplomatic Security under SECCA, must be submitted to Congress. Since the Secretary has delegated the responsibility for preparing the annual report of waivers to the Assistant Secretary for Diplomatic Security, the Office of Physical Security Programs is responsible for preparing this report. The Assistant Secretary for Diplomatic Security will submit this report, including transmittal letters to Congress, to the Under Secretary for Political Affairs who has been delegated the function of approving submission of reports to the Congress by the Secretary (Delegation of Authority No. 280).

12 FAM 316 THROUGH 319 UNASSIGNED