

12 FAM 450

SECURITY SUPPORT AGREEMENTS

(TL:DS-101; 08-11-2004)
(Office of Origin: DS/EX/PPB)

12 FAM 451 MEMORANDA OF UNDERSTANDING (MOU)

(TL:DS-76; 07-03-2001)

Under the Omnibus Diplomatic Security Act, DS may provide security services to U.S. Government departments and agencies through the establishment of Memoranda of Understanding on Security Support Abroad. The Department has signed MOUs with several agencies.

12 FAM 451.1 U.S. Agency for International Development (USAID)

(TL:DS-101; 08-11-2004)

The MOU between the Department of State and the U.S. Agency for International Development (USAID) on Security Support Abroad was signed on March 24, 2004. Its text is given as 12 FAM 451 Exhibit 451.1.

12 FAM 451.2 Broadcasting Board of Governors (BBG)

(TL:DS-76; 07-03-2001)

The MOU between the Department of State and the BBG on Security Support Abroad was signed on May 21, 2001. Its text is given as 12 FAM 451 Exhibit 451.2.

12 FAM 451.3 Department of Defense (DOD)

(TL:DS-76; 07-03-2001)

The MOU between the Department of State and the Department of Defense on Security Support Abroad was signed on September 17, 1990. Its text is given as 12 FAM 451 Exhibit 451.3.

12 FAM 451.4 Department of Commerce

(TL:DS-76; 07-03-2001)

The MOU between the Department of State and the Department of Commerce on Security Support Abroad was signed into effect on May 29, 1992. Its text is given as 12 FAM 451 Exhibit 451.4.

12 FAM 451.5 Department of Navy

(TL:DS-84; 10-30-2002)

The MOU between the Department of State and the Department of the Navy concerning the use of Naval support unit personnel [Seabees] assigned to the Department's Security Program was signed on October 17, 2002. Its text is given as 12 FAM 451 Exhibit 451.5.

12 FAM 452 SECURITY OF INTERNATIONAL CONFERENCES

(TL:DS-76; 07-03-2001)

DS provides security arrangements for international conferences, foreign and domestic, in which the United States participates and at which U.S. classified and administratively controlled information is present.

12 FAM 453 THROUGH 459 UNASSIGNED

12 FAM 451 Exhibit 451.1
MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN THE DEPARTMENT OF STATE AND
THE U.S. AGENCY FOR INTERNATIONAL
DEVELOPMENT (USAID) ON SECURITY
SUPPORT ABROAD

(TL:DS-101; 08-11-2004)

I. AUTHORITIES

The Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 (P.L. 99-399) assigns responsibility to the Secretary of State to develop and implement, in consultation with the heads of other federal agencies, policies and programs, including funding levels and standards, to provide for the protection of all U.S. government personnel on official duty abroad, and the establishment and operation of security functions at all U.S. missions abroad. To facilitate the fulfillment of this responsibility, other federal agencies are therein directed to cooperate and assist the Department of State, through agreement, to the maximum extent possible. The Omnibus Act expressly identifies types of assistance that may be rendered, such as, logistical support and security inspections. It also states that federal agencies may perform other overseas security functions as authorized by the Secretary of State.

II. PURPOSE

A. In accordance with the above legislation and the policies established by the Overseas Security Policy Board (OSPB), the undersigned agree that the Department of State, Bureau of Diplomatic Security (DS) will perform certain overseas security functions for the United States Agency for International Development (USAID), and that the USAID's Office of Security will cooperate and assist the Department to fulfill this responsibility in the manner and to the extent hereinafter set forth. The provisions of this Agreement supersede those contained in previous Overseas Security Agreements between USAID and the Department of State.

B. Nothing in the following agreement shall derogate from or be construed to conflict with the authorities and responsibilities of the Chief of Mission under Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), or to derogate from or conflict with the responsibility of agencies under section 207 to keep the Chief of Mission fully and currently informed and to ensure that its employees comply with the applicable directives of the Chief of Mission.

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C. Nothing in this agreement shall derogate from or be construed to conflict with the authorities and responsibilities of the Administrator of USAID under Section 587 of P.L. 105-287 to supervise, direct, and control all security activities relating to the programs and operations of USAID.

III. POINTS OF CONTACT, TERMS OF REFERENCE AND ACRONYMS

Assistant Secretary of State for Diplomatic Security (DS):

The office in the Department of State responsible for matters relating to diplomatic security and counterterrorism at U.S. missions abroad.

Bureau of Diplomatic Security (DS), Department of State:

The offices of the Department of State that is responsible for the development and implementation of security policies and programs domestically and at U.S. missions abroad.

Coordinate; Coordination:

Refers to the requirement to notify all concerned parties of specific matters of mutual interest and solicit their agreement prior to taking action.

Consult; Consultation:

Refers to the requirement to notify and discuss with all concerned parties specific matters of mutual interest prior to taking action on such matters.

Controlled Access Areas (CAAs):

Controlled access areas are specifically designated areas within a building where classified information may be handled, stored, discussed, or processed. There are two types of controlled access areas: core and restricted. Core areas are those areas of the building requiring the highest levels of protection where intelligence, cryptographic, security (generally meaning technical equipment), and other particularly sensitive or compartmentalized information may be handled, stored, discussed, or processed. Restricted areas are those areas of the building in which classified information may be handled and stored. Classified discussions are permitted but may be limited to designated areas, depending on the technical security threat.

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Emergency Action Committee (EAC):

An organization established at a Foreign Service post by the Chief of Mission or principal officer, for the purpose of planning and coordinating the post's response to contingencies.

Nonstandard Security Equipment and Systems:

Those items of security equipment, which are not in the DS, inventory and are not maintainable by DS personnel.

Overseas Security Policy Board (OSPB):

The Overseas Security Policy Board represents all member agencies at post under the authority of the Chief of Mission. The OSPB develops, coordinates and promotes uniform policies, standards and agreements on overseas security operations, programs and projects which affect U.S. Government agencies under chief of mission authority. The primary functions of the OSPB or subgroups shall be to formulate and develop overseas security policies and guidance for official civilian missions. Implementation of policies adopted by the OSPB shall be the responsibility of the Department of State through the Bureau of Diplomatic Security.

Regional Security Officer (RSO):

The RSO is a U.S. Foreign Service security officer serving abroad at an embassy or consulate who is responsible, through the chain of command to a Chief of Mission, for implementing and managing the Department's overseas security and related law enforcement programs. The specific geographical regions for which RSOs have responsibility may include one or more Foreign Service posts.

Standard Security Equipment and Systems:

Standard Security Equipment and Systems are security equipment normally in the DS inventory and maintainable by DS personnel.

Physical and Technical Security Services:

These services include the provision and/or installation and maintenance of DS and USAID-approved physical and technical security equipment and systems.

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United States Agency for International Development (USAID), Office of Security (SEC):

The office at USAID headquarters that is responsible for all security functions relating to facilities and personnel in the United States or abroad.

USAID Security Official:

USAID Security Official is the Director of the Office of Security (SEC), USAID.

Security Engineering Officer (SEO):

The SEO is a U.S. Foreign Service security officer serving abroad at an embassy or consulate who is responsible, through the chain of command to a Chief of Mission, for implementing and managing the Department's overseas technical security programs. The specific geographical regions for which SEOs have responsibility may include one or more Foreign Service posts.

IV. PHYSICAL, TECHNICAL AND PROCEDURAL SECURITY

A. Security Analysis Services

(1) DS will provide to SEC, in a timely manner, information pertinent to USAID security. Such information will include, but not be limited to: threat reports and analysis, approved modifications to DS security standards, and updates on DS approved security products, systems or designs.

(2) Overseas, the Regional Security Officer (RSO) will advise, through DS, the respective USAID and SEC of any specific threat information concerning USAID facilities or personnel, and specify the security measures taken or planned to counter such threats. The RSO will also inform the USAID Mission Director, and SEC through DS, of any general threat information concerning the U.S. community at post.

(3) DS, through the responsible RSO and SEO, will provide or direct physical, technical, and procedural security services at all USAID posts overseas.

B. Standards

(1) DS has the responsibility for developing and issuing physical, technical, and procedural security standards, in coordination with the members of the OSPB, and identifying approved security equipment which will enhance the security of all employees of the foreign affairs agencies and all new and existing installations of U.S. missions abroad.

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(2) It is the policy of the Department of State to accord security protection on an equitable basis to all U.S. citizen employees of U.S. missions abroad. Any differences in the level of security provided to individuals or categories of employees must be based on specific higher threat levels placed on those employees and must be recommended by the Emergency Action Committee.

(3) USAID recognizes the security standards established by the Foreign Affairs Handbook, 12 FAH-6 OSPB Security Standards and Policy Handbook and agrees to implement those standards at all USAID missions abroad. If a USAID mission seeks to have more stringent security measures, the USAID mission will notify the Regional Security Officer of the proposed security measure. Such changes will be handled in accordance with procedures in the OSPB Security Standards and Policy Handbook. Any costs associated with approved security upgrades will be borne by USAID through established funding mechanisms between USAID and DS as described in Section VIII of this agreement.

(4) Existing physical and technical security equipment may be modified whenever improved deterrents are identified. Physical and technical security equipment will undergo certification testing by U.S. Government agencies and commercial testing laboratories that have been approved by DS. Testing will be done in accordance with DS-approved test procedures and performance criteria, to ensure that such equipment conforms to established physical security standards.

C. Surveys

DS will conduct, on a regular basis, complete physical, personnel security and procedural surveys of USAID missions and facilities. The RSO will notify the USAID Mission Director or the Director of SEC prior to conducting a survey of USAID facilities. SEC may participate in all or part of the survey after coordinating with the RSO. New surveys will be conducted according to DS policy or whenever major changes occur in the physical structure, size, or location of space occupied by USAID in separate facilities. These changes may include, but are not limited to, completion of significant physical security improvements, acquisition of additional space in the same building, leasing of additional office space in another building, or relocation of the USAID mission to a new site. Copies of these surveys will be forwarded to SEC for review/concurrence with survey recommendations.

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D. Local Guard Program

The RSO will manage the guard force assigned to USAID mission facilities and residences. Appropriate guard and watchman procedures for the above locations will be established and documented in the form of written guard orders, copies of which will be provided to the USAID Unit Security Officer (USO). USAID will fund its guard force through ICASS or other mutually agreed upon arrangement.

E. Marine Security Guards

Marine Security Guards in rare circumstances may be assigned to USAID facilities. Such assignment must be deemed to be warranted by DS and SEC, approved by the MSG Battalion and is subject to other considerations such as the establishment of positions by the Department of State and the availability of Marine Corps personnel.

F. Security Radio Program

SEC will administer the USAID security radio program in support of all USAID direct-hire and U.S. contractor personnel, regardless of location. The radios provided by SEC will be fully compatible with the Department of State emergency and evacuation system.

G. Security Program Inspections

SEC will conduct periodic security inspections of USAID office facilities, residences, and warehouses, to evaluate compliance and assist USAID in developing methods and strategies for meeting OSPB security standards and regulations. In support of these inspections, Regional Security Officers will make available to SEC such locally held files and information pertaining to USAID security as may be required.

H. Residential Security

The RSO will establish and implement a residential security program applicable to all United States Government personnel under the authority of a Chief of Mission. The level of protection provided to USAID direct-hire U.S. citizen residences will be consistent with approved OSPB Residential Security standards.

I. Technical Surveillance Counter Measures Inspections

SEOs will include the USAID missions in routine technical security countermeasures (TSCM) inspections of controlled access areas, where the technical threat warrants such routine inspections as directed by the RSO.

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J. Storage of Classified Materials

USAID missions may store classified materials up to an authorized security classification level, in accordance with Security Standards (12 FAH-6 H-500) for the Storage of Classified Information at posts abroad. At facilities approved by DS for storage of classified information, SEC, in consultation with the RSO, will designate controlled access areas and establish supervisory controls over the distribution and storage of classified and administratively controlled materials.

K. Forced Entry/Penetration

All instances involving the physical penetration of the USAID mission, including unauthorized entry or damage to property, as well as possible compromise of classified information, will be reported by the Senior USAID Official at post to the RSO and the Chief of Mission. The RSO will conduct appropriate investigations and provide full details of the incident, as well as any follow-up action, to the Chief of Mission and the Senior USAID Official. The RSO will also inform DS and SEC via telegram to the Department of State. Suspected technical security penetrations and hazards discovered by the Senior USAID Official will be reported to the RSO for appropriate action. If a SEO inspection of the USAID mission reveals a technical security penetration or hazard, a report will be provided expeditiously to SEC through DS, under the provisions of the Director of Central Intelligence (DCI) Procedural Guide I-II-III.

L. Security Incidents

SEC and DS will establish security violation reporting procedures for incidents at the USAID missions consistent with those specified in relevant DOS regulations and policies. The RSO shall report all USAID classified material incidents to DS. Within seven (7) days after receiving a USAID incident report from an RSO, DS will report the incident to SEC for further processing.

M. Security Training and Orientation

The RSO will include USG personnel assigned to USAID missions and, where appropriate, their dependents in training and briefings, crisis management drills and in the dissemination of security awareness materials. SEC may request training and briefings for others, including independent contractors.

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N. Unit Security Officers

The USAID Unit Security Officer (USO) will be responsible for the conduct of daily physical, technical and procedural security services for the USAID mission and will assist the RSO, as requested, in SEC investigative activities. The USO will receive security training and seek guidance from the RSO in the execution of security functions for the USAID mission.

O. Reports

Copies of routine reports or correspondence pertaining to all activities conducted by or under the direction of the RSO, dealing with the USAID missions' physical, technical, or procedural security matters, will be furnished through mission channels and DS, to SEC. Recommendations for correcting deficiencies will be included in such reports. Alerts, security incidents, or notices of threats to U.S. personnel and facilities under the authority of a Chief of Mission and to the USAID missions or personnel will be provided to SEC by secure cable. Similarly, SEC will provide copies of correspondence to DS headquarters and RSOs when communicating on such matters related to the USAID missions.

P. Installation, Maintenance and Upgrades of Security Systems

Initial installation of technical security systems at USAID facilities will be funded by USAID and performed by USAID personnel. By USAID request, DS will survey USAID facilities at missions being considered for DS Technical Security Upgrades (TSU). DS may design and install USAID technical security systems or lifecycle upgrades at State TSU sites on a cost reimbursable basis.

DS technical security personnel subject to RSO priorities will provide routine maintenance and repair labor for DS standard technical security systems at USAID facilities. The parts needed to maintain such systems will be provided to DS personnel by USAID or provided by DS on a cost reimbursable basis by USAID by mutual agreement prior to performing the work. Technical security systems determined by DS to be beyond the equipment lifecycle (equipment failure, obsolescence, the inability to obtain parts or systems not meeting current FAM or OSPB standards) will be replaced as noted above for initial installations.

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The maintenance of non-standard equipment, which is not in DS inventory, will be the responsibility of the USAID missions utilizing the equipment. In cases where the USAID missions require technical equipment or configurations, which are non-standard to the DOS inventory, the USAID mission will procure, install and maintain the equipment at its own cost. Non-standard technical equipment will only be used if an SEO certifies that it will not interfere with any standard DOS equipment installed and such equipment meets FAM and OSPB standards. SEC, with DS concurrence, may contract separately for maintenance of security systems at remote sites that require extensive maintenance of a timely and frequent nature.

Q. Requests for RSO Assistance

Requests from a USAID mission to the RSO for physical, technical and procedural security assistance not addressed elsewhere in this MOU will be cleared through the Deputy Assistant Secretary for Diplomatic Security and Director, Diplomatic Security Service, International Programs (DS/DSS/IP) and USAID/SEC.

R. Armored Vehicles

In the event that a USAID mission requires armored vehicles, the level of protection provided will be consistent with approved OSPB Armored Vehicle standards. DS will conduct inspections of USAID armored vehicles during production on a cost reimbursable basis.

V. PERSONNEL SECURITY INVESTIGATIONS

A. DS will conduct personnel security investigations, pursuant to Executive Orders 10450 and 12968, on U.S. citizens who are applying overseas for direct-hire and contract positions in USAID. When requested by SEC, DS will also conduct personnel security investigations of U.S. citizen direct-hire and contract personnel serving overseas. All such investigations will be scheduled through DS.

B. The RSO will conduct an appropriate investigation on non-U.S. citizen applicants for positions with USAID and, if appropriate, certify them as acceptable for employment. The USAID Unit Security Officer (USO) will assist the RSO or Post Security Officer (PSO) in the conduct of these investigations when so requested. The closest cooperation will be maintained between the RSO and PSO and the USAID USO to facilitate accomplishment of local investigations in the most effective way.

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C. The RSO will conduct required investigations for the USAID Mission Director in matters concerning alien contractors and alien contractor personnel. The scope of coverage will be determined by the RSO and will be consistent with DS guidelines.

D. The RSO will conduct investigations on intended non-U.S. citizen spouses and cohabitants of U.S. citizen USAID employees when tasked to do so by DS.

E. When the RSO receives reports or allegations bearing on the security or loyalty of USAID employees, the RSO shall communicate this information to DS. DS will advise SEC in a timely manner and provide investigative guidance to the RSO. Except for emergency situations, or at the direction of the COM, the RSO will not initiate an investigation of USAID personnel without DS approval.

F. In the event that DS receives reports or allegations reflecting adversely on the suitability of USAID U.S. employees overseas, the RSO will immediately communicate this information to SEC, via DS, for determination of investigation requirements.

G. Except for emergency situations, no USAID U.S. citizen employee under investigation by the RSO shall be confronted in an interview situation without approval and instruction from DS following consultation with SEC.

H. The RSO will provide detailed reports of all security investigations conducted for USAID. All routine personnel security investigations will be forwarded to USAID through DS.

VI. TRAINING SERVICES

A. The USAID USO will be trained and assisted in security matters by the appropriate Regional or Post Security Officer.

B. The RSO will include USAID U.S. direct-hire and U.S. contractor personnel in all security training and briefings and provide them with appropriate security briefing materials.

VII. ISSUE RESOLUTION

Should a conflict arise between USAID Mission Officials and DS Security Officers concerning the substance or interpretation of security matters, the issues in question will be forwarded to DS and SEC for resolution.

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VIII. BUDGET AND REIMBURSEMENT

A. The Department of State will provide the services delineated in this agreement without cost except as otherwise specified in the agreement. USAID will reimburse the Department of State for any expanded level of such services, or any additional type of security provided by the Department of State, as requested by USAID or as agreed prior to provision of such expanded or additional services. Reimbursement will be handled by the budget offices of DS and USAID, through standard procedures for reimbursement for services rendered.

B. USAID will coordinate fully with DS to develop USAID specific overseas security resource levels. USAID will incorporate this request for security funding as a part of their budget submission.

C. All provisions of this MOU are subject to availability of appropriated funds.

IX. IMPLEMENTATION AND TERMINATION

This Memorandum of Understanding will become effective upon signature by the representatives of the Department of State and the Agency for International Development named below. It will be included in the official security policy manual of the Department of State; Volume 12 of the Foreign Affairs Manual series entitled Diplomatic Security. The MOU will remain in force until sixty days after notification by either party of its intention to terminate the agreement.

 /s/
C. Michael Flannery
Director of Security
U.S. Agency for International
Development

 /s/
Ambassador Francis X. Taylor
Assistant Secretary for
Diplomatic Security
Department of State

Date: March 23, 2004_____

Date: March 24, 2004_____

12 FAM 451 Exhibit 451.2

**MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN THE DEPARTMENT OF STATE AND
THE BROADCASTING BOARD OF
GOVERNORS (BBG) CONCERNING SECURITY
SUPPORT ABROAD**

(TL:DS-77; 07-26-2001)

I. AUTHORITY AND PURPOSE

The Department of State enters into this Memorandum of Understanding pursuant to the authority and responsibility of the Secretary of State over security matters as set forth in the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (P.L. 99-399). The Act requires the Secretary of State, in consultation with the heads of other U.S. agencies having personnel at U.S. missions abroad, to develop and implement policies and programs, including funding levels and standards, in order to provide for the security of United States Government operations of a diplomatic nature. Such policies/programs shall include:

- (1) The protection of all U.S. Government personnel on official duty abroad and their accompanying dependents, other than those personnel under the command of a United States area military commander; and
- (2) The establishment and operation of security functions at all U.S. Government missions abroad, other than facilities or installations subject to the control of a United States area military commander.

Nothing in this agreement shall derogate from or be construed to conflict with the authorities and responsibilities of the Chief of Mission under law and Presidential directive or/and Presidential Letter of Instruction and under Section 207 of the Foreign Service Act of 1980 and the United States International Broadcasting Act of 1994, as amended.

The Secretary has directed that the Assistant Secretary for Diplomatic Security be responsible for the implementation of the diplomatic security program. The Bureau of Diplomatic Security will coordinate the development of security standards and policies affecting all personnel at U.S. missions abroad through the Overseas Security Policy Board (OSPB) or its successor. The BBG will be represented as a voting member of the OSPB and will be subject to the policies promulgated by that body. As such, the BBG will rely on the expertise and assistance of the Regional Security Officers (RSO) in the provision of security support.

Continuation—12 FAM 451 Exhibit 451.2

The Omnibus Act requires other federal agencies to cooperate, to the maximum extent possible, with the Secretary of State through the development of interagency agreements on overseas security. Such agencies may perform security inspections and provide logistical support relating to their differing missions and facilities, and perform other overseas security functions as may be authorized by the Secretary, with or without reimbursement.

II. GENERAL ISSUES

Existing Policy

Department of State policy that is applicable to all agencies under the Chief of Mission Authority is applicable to the BBG. In particular, the OSPB Security Standards and Policy Handbook (12 FAH-6), the Physical Security Policy for Voice of America Correspondents (12 FAH-6 H-521.2) and the Information Security Regulations in 12 FAM 500 and 600 are applicable to BBG personnel, facilities and operations abroad.

The BBG will represent the security interests for facilities covered by this MOU to include, but not be limited to, the overseas offices and bureaus of the Voice of America and the transmission stations and affiliate offices of the International Broadcasting Bureau.

Points Of Contact

A. Regional Security Officer (RSO) – For each post, there is an RSO responsible for the physical, technical and procedural security of all U.S. Government agencies under the authority of the Chief of Mission overseas, including, BBG personnel and facilities. The RSO is the point of contact (POC) for security matters at post for the BBG station Manager.

B. Station Managers - The BBG Station Managers or designated alternates, will serve as the POC to RSOs for all security matters at post.

C. DS Headquarters – The DS Office Director responsible for the particular program of concern to BBG will serve as the POC for the BBG Security Director. In the absence of the respective Office Director, contact will be elevated to the Executive Director, DS.

D. BBG Headquarters – The BBG Security Director will serve as POC in Washington, DC, for all overseas security related issues between the BBG and DS Headquarters.

Continuation—12 FAM 451 Exhibit 451.2

Security Issues at Post

If security issues not covered in this MOU arise at post, or if there is an issue concerning the substance or interpretation of this MOU, the BBG Station Manager and RSO will attempt to resolve the issue at post. Unresolved matters will be referred to both the BBG Security Director and DS headquarters for resolution.

III. PHYSICAL, TECHNICAL AND PROCEDURAL SECURITY ISSUES

In accordance with the Omnibus Diplomatic Security Act, the Department of State and BBG agree to the following provisions regarding security services and procedures.

Standards

A. DS has the responsibility for developing and issuing physical, technical, and procedural security standards, and identifying approved security equipment, in consultation with BBG and other federal agencies. Existing security standards may be modified, in consultation with the OSPB whenever improved deterrents are identified.

B. Physical and technical security equipment will undergo certification testing by U.S. government agencies and commercial testing laboratories that have been approved by DS. Testing will be done in accordance with DS-approved test procedures and performance criteria to ensure that such equipment conforms to established security standards.

C. The Department recognizes the international broadcasting mission of BBG and the unique circumstances of Voice of America (VOA). OSBP Standards (12 FAH-6) provide applicable procedures and guidelines for the security of Department of State installations abroad and other Federal agencies under the Chief of Mission authority.

Surveys

A. DS will be responsible for conducting physical, technical, and procedural security surveys of all BBG overseas facilities on a non-reimbursable basis. Regional Security Officers conducting the surveys will make recommendations based upon established security standards and advise the senior BBG official at post of any weaknesses or deficiencies noted in the course of such surveys.

Continuation—12 FAM 451 Exhibit 451.2

B. With respect to the BBG and OSPB approved policy that VOA correspondents be viewed by their press colleagues as independent reporters and not as members of the official U.S. Mission, security requirements of the RSO for VOA correspondents should be handled on a case-by-case basis in accordance with 12 FAH-6 H-521.2.

C. Similarly, in accordance with 12 FAH-6 H-521.2, the RSOs will not include offices of VOA correspondents in their routine physical security surveys of BBG facilities. However, at the correspondent's request, the RSO may conduct informal advisory visits to offices and residences for the purpose of identifying security deficiencies and recommending remedial action.

Security Program Inspections

BBG may conduct periodic inspections of its facilities abroad. Further, BBG may review the adequacy of the local guard, residential security, or other security services provided to the BBG. On such occasions, the RSO shall make available to the BBG such locally held files and information pertaining to the BBG as may be required. BBG will provide DS with copies of the final reports of security inspections made by its personnel. Prior to departure from the post, the BBG official conducting the inspection will review the recommendations or issues with the RSO. RSO approval must be obtained before implementing any security program changes.

Local Guard Program

A. With the exception of any independently funded locations, all BBG local guards continue to be funded from the DS Local Guard Program. Guards funded independently under contract with the BBG will be converted to State Department contracts with base funds transferred to DoS or alternatively, will be funded by BBG through an annual reimbursement to the Department.

B. The RSO shall establish, implement and manage local guard procedures necessary for the security of BBG facilities.

C. In the case of VOA relay stations at remote sites, the Station Manager may be designated the Unit Security Officer and Contracting Officer's Technical Representative and, as such, will supervise day-to-day activities of the local guard program at the facility under the overall direction of the RSO. In those cases, where necessary and practical, DS may let a separate contract for guard services at remote facilities. (See Unit Security Officer Paragraph, Page 12)

Continuation—12 FAM 451 Exhibit 451.2

Armored Vehicles

BBG may utilize the Department's armored vehicle contract. BBG will follow OSPB policy on the deployment of armored vehicles. BBG will fund all costs related to its armored vehicles including purchase, armoring, shipping and maintenance and repairs.

Forced Entry/Penetration

All instances involving physical penetration of a building, including unauthorized entry or damage to property, as well as possible compromise of classified information, will be reported by BBG to the RSO. The RSO will conduct appropriate investigations and provide BBG with the full details of the incident as well as any follow-up action. Suspected technical security penetrations discovered by BBG personnel will be reported to the RSO for appropriate action.

Restricted Areas

At facilities with appropriate physical and technical security countermeasures that are approved for storage of classified information, the RSO will designate restricted areas and establish supervisory controls over distribution and storage of classified and administratively controlled materials.

Training and Orientation

The RSO will include BBG personnel in all security training and briefings programs and appropriate crisis management drills at post.

Unit Security Officers

Where determined to be of practical operational value and in consultation with the RSO, the BBG Station Manager may be directly appointed or may appoint a Unit Security Officer. The Unit Security Officer will be responsible for the conduct of daily physical, technical and procedural security services for BBG. The Unit Security Officer will be trained, guided and supervised by the RSO in the execution of security functions. Based upon RSO instructions, the Unit Security Officer will report all security incidents directly to the RSO.

Continuation—12 FAM 451 Exhibit 451.2

Reports

Copies of routine reports or correspondence pertaining to activities conducted by or under the direction of the RSO dealing with BBG physical or procedural security matters, will be furnished through DS to BBG. Recommendations for correcting deficiencies as well as corrective action taken will be included in such reports. The RSO will immediately provide information to the BBG Station Manager about alerts, security incidents, or notices of threats to personnel and facilities.

Installation and Maintenance of Security Systems

Subject to survey recommendations, DS will support, on a reimbursable basis, the installation of standard security systems at BBG facilities upon request, either by using Security Engineering Officers, Seabees, Security Technician Specialists, security engineering contractors or other cleared U.S. contractors. New systems if connected to any DoS system should not interfere or degrade the security of current systems. The maintenance of standard DS technical security equipment at BBG facilities will be included in the DS Security Equipment Maintenance Program (SEMP) on a reimbursable basis. Nonstandard equipment will generally be replaced, on a reimbursable basis, vice repaired if unusual maintenance problems or expenses arise. In cases where BBG requires technical equipment nonstandard to the DoS inventory, BBG will procure, install and maintain the equipment at its own cost. Non-standard technical equipment will only be used if DS Engineering certifies that it will not interfere with any standard DoS system installed. With DS concurrence, BBG may contract separately for maintenance of procured and installed security systems at remote sites.

Security Upgrade Projects

DS will provide security oversight for BBG overseas security projects to include those left partially completed by USIA upon integration with the Department. Security oversight will be carried out by the RSO and will be limited to site surveys, advice on security projects, specifications, and assistance to the BBG and the post relating to contract issuance. Project quality assurance will be a joint effort of the BBG Unit Security Officer, the GSO and the RSO. Construction will be done under contract. Funding for BBG security upgrade projects will be the responsibility of BBG. Oversight and guidance by the Department of these projects will be done on a non-reimbursable basis.

Continuation—12 FAM 451 Exhibit 451.2

Requests for RSO Assistance/Joint Inspections

Requests from BBG to the RSO for physical, technical and procedural security assistance not addressed elsewhere in this MOU will be cleared through DS headquarters. In the event of a problem with security services provided by the RSO to the BBG, and when attempts to resolve the problem in consultation with the RSO have failed, BBG may bring its concerns to both DS and BBG headquarters for resolution.

Residential Security

The Omnibus Act of 1986 provides authority for a residential security program applicable to personnel of all foreign affairs agencies. The Department's residential security policy provides equitable treatment/coverage to all U.S. Government personnel at posts, in accordance with prevailing threat assessments and the OSPB-approved security standards (12 FAH-6). DS will budget for and fund all physical security countermeasures for BBG residential security.

IV. INVESTIGATIONS

A. DS has the responsibility for security investigations of U.S. citizen applicants, alien spouses, alien applicants, employees and contractors of BBG at U.S. missions abroad. RSOs will also provide overseas investigative support on BBG cases. All requests for investigations will be channeled through DS headquarters to the RSO. DS will perform these investigations on a non-reimbursable basis.

B. Copies of investigative reports, contact reports and correspondence relating to investigative support of BBG matters or personnel will be furnished to the BBG via DS headquarters.

C. BBG may, at its discretion, dispatch personnel from its headquarters staff to inquire into a BBG investigative matter. All such activity will be coordinated in advance with the RSO through DS headquarters.

Continuation—12 FAM 451 Exhibit 451.2

U.S. Citizens

A. Overseas, U.S. citizen contractors and employees of BBG will be investigated by the RSO upon the request of the BBG Security Office through DS.

B. At the direction of the Chief of Mission, overseas U.S. contractors and employees will be investigated by the RSO when allegations or complaints of a security nature are received. Following initial or preliminary inquiries but prior to initiating an official investigation of any BBG employee, the RSO will report the case to the BBG Security Office via DS.

Non-U.S. Citizens

A. The RSO and BBG Station Manager at post will insure that all non-U.S. citizens proposed for contractual status or employment are investigated in accordance with established procedures. The RSO will issue a certification for employment in each approved case. Investigations should be completed prior to employment or execution of a contract. However, such persons may be employed on an interim basis upon completion of a satisfactory local investigation and temporary certification by the RSO. Continued employment will be contingent upon satisfactory results of a completed investigation. Employees and contractors are to be reinvestigated and certified every five years.

B. Allegations of misconduct against alien employees or non-U.S. citizen contractors will be investigated by or under the direction of the RSO. Detailed reports of such investigations shall be forwarded to the BBG Security Office through DS. The results of such investigations shall be the basis for a determination by the RSO of corrective action to be taken. The RSO may refer to the BBG Security Office, through DS, any cases for which the RSO believes a decision should be made by Washington.

C. The RSO, with the cooperation of the BBG Station Manager at post, will ensure that every non-U.S. citizen who requires access to administratively controlled information is properly investigated and certified.

D. Security checks and/or investigations of domestic staff of BBG employees will be conducted consistent with post policy.

E. Investigations of alien spouses or proposed alien spouses of U.S. citizen employees will be conducted consistent with State Department personnel policies stated in Volume Three of the Foreign Affairs Manual (3 FAM).

Continuation—12 FAM 451 Exhibit 451.2

V. BUDGET AND REIMBURSEMENT

A. BBG will continue to be included in the formulation of the DS annual security budget. Based on justifications submitted by BBG, DS will support requests for security equipment.

B. Reimbursement for security services rendered by the Department of State will be controlled by the budget offices of DS and BBG using accepted reimbursement principles and procedures.

VI. IMPLEMENTATION AND TERMINATION

This Memorandum of Understanding will become effective upon signature by both agencies until notification by either party, sixty days in advance, of their intention to terminate the conditions of the agreement.

David G. Carpenter
Assistant Secretary of State for Diplomatic Security
Department of State

Date: May 16, 2001

Brian T. Conniff
Acting Director
International Broadcasting Bureau

Date: May 21, 2001

12 FAM 451 Exhibit 451.3
MEMORANDUM OF UNDERSTANDING
BETWEEN THE DEPARTMENT OF STATE AND
THE DEPARTMENT OF DEFENSE ON
SECURITY SUPPORT ABROAD

(TL:DS-39; 08-15-1994)

The Departments of State and Defense agree to the following provisions regarding overseas security services and procedures, in accordance with the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C 4801 et seq.).

I. AUTHORITY AND PURPOSE

The Omnibus Diplomatic Security and Antiterrorism Act of 1986, hereafter referred to as the Omnibus Act, requires the Secretary of State, in consultation with the heads of other federal agencies having personnel or missions abroad, where appropriate and within the scope of resources made available, to develop and implement policies and programs, including funding levels and standards, to provide for the security of United States Government operations of a diplomatic nature. Such policies and programs shall include:

- (1) Protection of all United States Government personnel on official duty abroad (other than those personnel under the command of a United States area military commander) and their accompanying dependents; and
- (2) Establishment and operation of security functions at all United States Government missions abroad, other than facilities or installations subject to the control of a United States area military commander.

In order to facilitate the fulfillment of these requirements, the Omnibus Act requires other federal agencies to cooperate, to the maximum extent possible, with the Secretary of State through the development of interagency agreements on overseas security. Such agencies may perform security inspections; provide logistical support relating to their differing missions and facilities; and perform other overseas security functions as may be authorized by the Secretary.

Continuation—12 FAM 451 Exhibit 451.3

II. TERMS OF REFERENCE (Alphabetical Order)

Area Command: A command which is composed of those organized elements of one or more of the armed services, designated to operate in a specific geographical area, which are placed under a single commander; for the purposes of this MOU, the area military commanders are: CINCEUR; CINCPAC; CINCLANT; CINCENT; and CINCSOUTH.

Assistant Secretary of State for Diplomatic Security (DS): The office in the Department of State responsible for matters relating to diplomatic security and counterterrorism at U.S. missions abroad.

Consult; Consultation: Refers to the requirement to notify all concerned parties of specific matters of mutual interest prior to taking action on such matters.

Controlled Access Areas (CAA): Controlled access areas are specifically designated areas within a building where classified information may be handled, stored, discussed, or processed. There are two types of controlled access areas: core and restricted. Core areas are those areas of the building requiring the highest levels of protection where intelligence, cryptographic, security and other particularly sensitive or compartmentalized information may be handled, stored, discussed, or processed. Restricted areas are those areas of the building in which classified information may be handled and stored. Classified discussions are permitted but may be limited to designated areas, depending on the technical security threat.

Coordinate; Coordination: Refers to the requirement to notify all concerned parties of specific matters of mutual interest and solicit their agreement prior to taking action.

Defense Components/Defense Component Headquarters: Those DOD organizations which have activities located overseas that fall under the control of the Chief of Mission. Examples include: the Defense Intelligence Agency (DIA) and Defense Security Assistance Agency (DSAA).

Deputy Under Secretary of Defense for Security Policy (DUSD(SP)): The office in the Department of Defense responsible for matters relating to security and counterintelligence.

Diplomatic Security Service (DSS), Department of State: The offices of the Department of State responsible for the development, coordination and implementation of security policies and programs domestically and at U.S. missions abroad.

Continuation—12 FAM 451 Exhibit 451.3

DOD Executive Agent: The Directorate for Security and Counterintelligence, Defense Intelligence Agency (DIA/OSC), has been designated as the office of primary responsibility for DOD, for matters covered by this MOU.

Emergency Action Committee (EAC): An organization established at a Foreign Service post by the Chief of Mission or principal officer, for the purpose of planning and coordinating the post's response to contingencies.

Foreign Service National (FSN): Foreign Service National (FSN) employees are foreign nationals who provide clerical, administrative, technical, fiscal and other support at Foreign Service posts abroad. FSN means an employee of any foreign service-related mission/program/activity of any U.S. Government department or agency overseas establishment including, but not limited to, State, AID, USIA, Commerce, Agriculture, Peace Corps, Department of Defense, (exclusive of consular agents) who is not a citizen of the United States. The term includes Third Country Nationals (TCNs). A TCN is an individual who is employed by a U.S. mission abroad and is neither a citizen of the United States nor of the country to which assigned for duty.

Non-standard Security System: Those items of security equipment which are not in the DS inventory and are not maintainable by DS personnel.

Overseas Security Policy Group (OSPG): The Overseas Security Policy Group develops, coordinates and promotes uniform policies, standards and agreements on overseas security operations, programs and projects which affect U.S. Government civilian agencies represented abroad. The primary functions of the OSPG or subgroups shall be to formulate and develop overseas security policies and guidance for official civilian missions. Implementation of policies adopted by the OSPG or by any agency of the federal government represented at an overseas mission shall be the responsibility of appropriate officials of that agency.

Continuation—12 FAM 451 Exhibit 451.3

Post Defense Component Office: DOD offices that fall under the control of the Chief of Mission. The following offices, although only a partial listing, are examples: Defense Attaché Offices (USDAOs), Joint U.S. Military Aid Groups (JUSMAGs), Joint U.S. Military Assistance Advisory Groups (JUSMAAGs), Joint U.S. Military Missions, U.S. Military Missions (MILMISH), Military Assistance Advisory Groups (MAAGs), Military Liaison Offices (MLOs), Offices of Defense Cooperation (ODCs), Offices of Defense Representative (ODRs), Offices of Military Cooperation (OMCs), Security Assistance Offices (SAOs), Security Assistance Technical Assistance Field Teams (TAFTs), Select Defense Intelligence Agency Liaison Offices (DIALOs), US Defense Liaison Offices (USDLOs), U.S. Liaison Offices (USLOs), U.S. Military Groups (MILGPs), U.S. Military Training Missions (USMTMs), U.S. Mutual Defense Assistance Office (MDAO).

Regional Security Officer (RSO): The RSO is a U.S. Foreign Service security officer serving abroad at an embassy or consulate who is responsible, through the chain of command to a Chief of Mission, for implementing and managing the Department's overseas security programs. The specific geographical regions for which RSOs have responsibility may include one or more Foreign Service posts.

Sensitive DOD Operational Programs or Activities: Those undertakings by a local Defense Component office which are mandated by DOD, or national-level authorities, and which involve sensitive national defense or national security information or matters. Examples would include: information regarding intelligence activities, sources or methods; national defense plans or contingencies; and special access programs.

Standard Security Equipment and Systems: Security equipment normally in the DS inventory and maintainable by DS personnel.

III. GENERAL ISSUES

A. Existing Policy

Nothing in this agreement shall derogate from or be construed to conflict with the authorities and responsibilities of the Secretary of State, or the Chief of Mission as described in the Omnibus Act (22 U.S.C. 4801 et seq.), the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) and NSDD-38. The following existing agreements are appended to this MOU and remain in effect between the Departments of State and Defense, to the extent that they do not conflict with this MOU.

Continuation—12 FAM 451 Exhibit 451.3

1. MOU between the Departments of State and Defense on Utilization and Support of Marine Security Guards, dated December 15, 1986.
2. MOU between the Naval Security and Investigative Command, Department of the Navy, and the Diplomatic Security Service, Department of State relating to the Investigation of Criminal Counterintelligence Matters, dated March 28, 1988.
3. MOU between the Department of State and the Department of the Navy Concerning the Use of Naval Support Unit Personnel Assigned to the Department of State's Security Program, dated December 11, 1978.
4. DOS-DIA Agreement Regarding Support for TEMPEST Personal Computers and Classified Information Handling Systems, incorporating the DOS-DIA Interagency Control Document (ICD) of July 9, 1984, as amended.
5. STATE AIRGRAM A-41, United States Policy with Regard to Local Guard Forces (LGF) Use by Diplomatic Missions.

B. Issues Not Covered

Should a particular security issue which is not covered in this MOU develop at a U.S. mission abroad, the interested officials, with the concurrence of the Chief of Mission, will refer the matter to the Department of State and, through the established chain of command, to the DOD Executive Agent for further consideration and subsequent policy guidance.

C. Conflicts at Post

Should a conflict arise at post between the Defense Component office and the RSO concerning the substance or interpretation of this MOU, the interested officials will refer the matter to the Chief of Mission for resolution, through the post Emergency Action Committee (EAC). If further action is required, the post will refer the issue to the Director of the Diplomatic Security Service (DSS) and, through the established chain of command, to the DOD Executive Agent in Washington, D.C.

Continuation—12 FAM 451 Exhibit 451.3

D. Exemptions

Certain DOD programs, which come under Chief of Mission authority, because of their sensitivity (as defined in Section II) shall be exempt, on a case-by-case basis, from the requirements and standards of this MOU. These programs will be separately identified and coordinated in writing between DUSD(SP) and DS.

IV. PHYSICAL, TECHNICAL AND PROCEDURAL SECURITY ISSUES

A. Standards

(1) DS has the responsibility for developing and issuing physical, technical, and procedural security standards, in coordination with the members of the OSPG, and identifying approved security equipment which will enhance the security of all employees of the foreign affairs agencies and all new and existing installations at U.S. missions abroad.

(2) It is the policy of the Department of State to accord security protection on an equitable basis to all U.S. citizen employees of U.S. missions abroad. Any differences in the level of security provided to individuals or categories of employees at post must be based on specific higher threat levels placed on those employees and must be recommended by the post Emergency Action Committee.

(3) With regard to the security afforded to sensitive DOD operational programs and activities, it falls to the local Defense Component office at post to comply with established security program requirements. DOD agrees to comply with DS minimum security standards. If a local Defense Component office requests additional security measures beyond the established minimum level, it will coordinate all requests with the post RSO. If the RSO and the local Defense Component office cannot agree on the level of upgrade requested, they will refer the disagreement, through the Chief of Mission, to the Department of State and, through the established chain of command, the DOD Executive Agent in Washington, D.C. and request resolution of the matter. The additional costs associated with approved security upgrades will be borne by the local Defense Component office through established funding mechanisms. For sensitive DOD operations, the DOD Executive Agent will provide the DS with copies of all applicable DOD component security requirements which exceed DS standards.

Continuation—12 FAM 451 Exhibit 451.3

(4) Existing physical and technical security standards may be modified, whenever improved deterrents are identified. Physical and technical security equipment will undergo certification testing by U.S. Government agencies and commercial testing laboratories that have been approved by DS. Testing will be done in accordance with DSS-approved test procedures and performance criteria, to ensure that such equipment conforms to established physical security standards.

(5) a. When existing Defense Component office space at post must be relocated, every effort must be made to obtain new space that meets current security standards. If the relocation requires moving to a separate facility outside the post chancery building, every effort will be made to locate a newly constructed facility or an existing building that meets current security standards. If security standards cannot be met in new space or in a proposed new building, the Chief of Mission and the Defense Component headquarters must be informed and a waiver must be approved by the Assistant Secretary for Diplomatic Security (or designee) before a new facility can be leased or constructed.

b. When the Department of State mandates that post Defense Components be moved to a proposed new facility, yet that facility does not meet all current security requirements, the RSO, working with appropriate DOS offices (e.g., A/FBO), will prepare the required waiver package with input from the Defense Component and submit it formally to the Assistant Secretary for Diplomatic Security through the Chief of Mission.

c. When the Department of Defense requests that a post Defense Component relocate to a new facility, yet that facility does not meet all current security requirements, the DOD Executive Agent will prepare the required waiver package with input from the post Defense Component, the RSO, and other appropriate DOS elements. The waiver package will be submitted to the Director of the Diplomatic Security Service, through the Chief of Mission, and according to established waiver procedures. If a waiver is denied, the DOD Executive Agent will have the opportunity to present its case to the Security Exceptions Committee which will evaluate all waiver requests, based on standards contained in the existing DS Physical Security Standards Handbook.

Continuation—12 FAM 451 Exhibit 451.3

B. Surveys Conducted by Security Personnel Not Resident at Post

DS, either on its own (with prior notification to the Chief of Mission and to Defense Component Headquarters through the DOD Executive Agent), or at the request of Defense Component officials, will be responsible for conducting complete physical, technical, and procedural surveys of all Defense Component offices attached to U.S. missions abroad. The security officer conducting the surveys will make recommendations based on standards established in the existing DS Physical Security Standards Handbook and will advise the senior official of the Defense Component office at post, as well as the Chief of Mission, of any weaknesses or deficiencies noted in the course of such surveys. Copies of the survey will be provided to the DOD Executive Agent and DS. DOD will be afforded the opportunity to review and comment on survey recommendations which affect the operations of Defense Component office facilities.

C. Security Program Inspections

Representatives of Defense Component Headquarters may conduct periodic or emergency surveys and inspections of their local Defense Component office facilities abroad. Such surveys and inspections may only be conducted with prior notification to the RSO at post through DSS. Further, Defense Component Headquarters and the DOD Executive Agent may review the adequacy of the local guard and residential security services provided to Defense Component offices. On such occasions, the RSO shall make available to Defense Component Headquarters inspectors such information pertaining to Defense Component offices as may be required. Defense Component Headquarters will provide the DSS and the DOD Executive Agent with copies of the final reports of security inspections made by its personnel. If additional resources are required to support DOD's findings, this determination must be referred to both Departments for further coordination. Prior to departure from the post, the Defense Component Headquarters representative conducting the inspection will review the recommendations or issues with the RSO, attempt to resolve them, and provide the RSO with a copy of the draft report. Any remaining differences in recommendations or issues which cannot be resolved at post between the inspecting Defense Component Headquarters representative and the RSO, will be handled in accordance with the procedures in Section III-C. of this agreement entitled, "Conflicts at Post."

Continuation—12 FAM 451 Exhibit 451.3

D. Local Guard Program

The RSO shall establish and implement local guard procedures necessary for the security of post Defense Component official facilities and residences. The level of protection provided to the Defense Component office will comply with approved OSPG Local Guard Program standards.

E. Residential Security

The RSO will establish and implement a residential security program applicable to all U.S. personnel under the authority of a Chief of Mission. The level of protection provided to the Defense Component office will comply with approved OSPG Residential Security standards.

F. Armored Vehicles

On a reimbursable basis, Defense Components may arrange with DS to install light vehicle armoring to DOS specifications in local Defense Component office vehicles. The level of protection provided to the Defense Component office will comply with approved OSPG Armored Vehicle standards.

G. Forced Entry/Penetration

All instances involving the physical penetration of a building, including unauthorized entry or damage to property, as well as possible compromise of classified information, will be reported by Defense Component Office personnel to the RSO and the Chief of Mission. The RSO will conduct appropriate investigations and provide the Chief of Mission and the Executive Agent with the full details of the incident, as well as any follow-up action, by telegram via the Department of State.

Suspected technical security penetrations and hazards discovered by post Defense Component personnel will be reported to the RSO for appropriate action. Reports of technical security penetrations or hazards in post Defense Component offices will be provided expeditiously to the DOD Executive Agent by DS, under the provisions of the DCI Procedural Guide I-II-III.

Continuation—12 FAM 451 Exhibit 451.3

H. Storage of Classified Materials

U.S. missions will store and safeguard classified and administratively controlled materials, in accordance with DOS regulations and policies. At facilities approved for storage of classified information, the RSO will designate controlled access areas and establish supervisory controls over the distribution and storage of classified and administratively controlled materials. All Defense Component offices are subject to accreditation by DS for classified storage up to an authorized security classification level, in accordance with DOS Security Standards for the Storage of Classified information at posts abroad.

I. Security Violations

The RSO will implement security violation reporting procedures for Defense Component office facilities, in conformance with those specified in existing DOS regulations and policies. All classified material violations involving Defense Component office personnel will be reported directly by the RSO, through mission channels, to the DOD Executive Agent and Defense Component Headquarters for administrative or disciplinary action within thirty (30) days after the violation is discovered. Copies of these reports will also be sent by the RSO to DS.

J. Post Training and Orientation

The RSO will include U.S. Defense Component office employees at post in training and indoctrination lectures, crisis management drills and in the dissemination of security awareness materials.

K. Unit Security Officers

Where determined to be of practical operational value and in consultation with the RSO, a Unit Security Officer will be appointed by the Defense Component office at post. The Unit Security Officer will be responsible for the conduct of daily physical, technical and procedural security services for the Defense Component office and will assist the RSO, as requested, in DOD investigative activities.

The Unit Security Officer will be trained and guided by the RSO in the execution of security functions for post Defense Component offices.

Continuation—12 FAM 451 Exhibit 451.3

L. Reports

Copies of routine reports or correspondence pertaining to all activities conducted by or under the direction of the RSO, dealing with the Defense Component office physical, technical, or procedural security matters, will be furnished through mission channels and DS, to the Defense Component Headquarters and DOD Executive Agent. Recommendations for correcting deficiencies as well as corrective action taken will be included in such reports. Alerts, security incidents, or notices of threats to U.S. personnel and facilities under the authority of a Chief of Mission, involving local Defense Component offices or personnel, will be provided to Defense Component Headquarters, the DOD Executive Agent, and the area Commander immediately by telegram. Similarly, Defense Component Headquarters and the DOD Executive Agent will provide copies of correspondence to DS headquarters and RSOs, when communicating on such matters with Defense Component offices at post.

M. Installation and Maintenance of Security Systems

Subject to survey recommendations, DS will install standard security systems at Defense Component offices at post upon request of the DOD Executive Agent, either by using Security Engineering Officers, Seabees, or Security Engineering Contractors or other cleared U.S. contractors. Equipment installed shall either be procured by DOD Component Offices at post or obtained from the DS inventory. The maintenance of standard DS technical security equipment at Defense Component offices at post will be included in the DS Security Engineering Maintenance Program. The maintenance of non-standard equipment, which is not in DS inventory, will be the responsibility of the post Defense Component office. In cases where Defense Components require technical equipment which is non-standard to the DOS inventory, the local Defense Component office will procure, install and maintain the equipment at its own cost. Non-standard technical equipment will only be used if a DS Security Engineering Officer certifies that it will not interfere with any standard DOS equipment installed. The Defense Component office, with DS concurrence, may contract separately for maintenance of security systems at remote sites which require extensive maintenance of a timely and frequent nature.

Continuation—12 FAM 451 Exhibit 451.3

N. Requests for RSO Assistance/Joint Inspections

Requests from Defense Components Headquarters or the DOD Executive Agent to the RSO for physical, technical and procedural security assistance not addressed elsewhere in this MOU will be cleared through the DS Directorate of Overseas Operations (DS/DSS/OP). In the event of dissatisfaction with security services provided by the RSO to post Defense Components offices and when attempts to resolve problems in consultation with the RSO have failed, the post Defense Component office may bring its concerns to the Chief of Mission, through the Emergency Action Committee (EAC), in accordance with Section III C. of this MOU. The EAC may recommend to the Chief of Mission that a joint inspection of the facilities be performed by the headquarters staff of DS and representatives of the DOD Executive Agent or Defense Component Headquarters, to assess the security services being provided to post Defense Components offices.

O. Technical Security

DS Security Engineering Officers (SEOs) will include post Defense Component offices in routine technical security countermeasures (TSCM) inspections of controlled access areas at post, where the technical threat warrants such routine inspections. DOD is responsible for the costs of TSCM inspections of Defense Component offices at posts where DS has determined that the technical threat does not warrant more frequent inspections. The Defense Component Headquarters or the DOD Executive Agent may dispatch people and equipment to post to conduct technical security inspections and investigations of post Defense Component Offices. Such activities will be coordinated in advance with DS, the RSO and the DOD Executive Agent. All information obtained from such investigations will be shared with the RSO, the Defense Component Office at post, DS and the DOD Executive Agent and reported to them following the DCI Procedural Guide I-II-III.

P. Construction Security

The Department of State will provide DOD with the construction security training required to enable DOD personnel to perform construction security on non-A/FBO projects in DAO office space within U.S. missions abroad. This training will involve construction surveillance techniques and guard responsibilities. Non-A/FBO projects are those which do not substantially change the structural, mechanical, electrical, life-safety, or architectural systems within a U.S. mission abroad.

Continuation—12 FAM 451 Exhibit 451.3

V. INVESTIGATIONS

A. General

DS has, inter alia, the responsibility for investigating: (a) U.S. citizen applicants, (b) foreign national applicants, and (c) employees and contractors of DOD at U.S. missions abroad. All requests for investigations, except routine embassy source and police checks originated by the post Defense Component office, will be channeled through DSS to the RSO, or processed as specified in separate agreements. Requests for routine embassy source checks may be made directly to the RSO or Post Security Officer (PSO) by the post Defense Component office. Copies of investigative reports, contact reports and correspondence relating to investigative support of DOD matters or personnel will be furnished to the DOD Executive Agent via DSS. DOD may, at its discretion, dispatch persons from its Defense Component headquarters staff to inquire into a DOD investigative matter. All such activity will be coordinated in advance with the Chief of Mission through the RSO and DS headquarters.

B. U.S. Citizen Employees, Contractors and Dependents

(1) U.S. citizen employees, contractors and dependents of post Defense Components assigned on a permanent and temporary basis at U.S. missions abroad may be investigated by the RSO: (a) upon the request of the Defense Component headquarters through the DOD Executive Agent and DS; (b) at the direction of the Chief of Mission, when allegations or complaints of a security or suitability nature are received; or, (c) to satisfy USG pre-employment clearance requirements. It is DS policy that RSOs are not authorized to initiate an investigation of a U.S. citizen employee or applicant abroad without the advanced approval of the appropriate DS headquarters element. Should the Chief of Mission direct such an investigation, the RSO may proceed but must immediately notify DS of all relevant information. Prior to initiating an official investigation of any post Defense Component employee or contractor, and subsequent to preliminary inquiries of allegations or complaints, the RSO will report the case to the DOD Executive Agent, via DS, as expeditiously as possible.

(2) No U.S. citizen employee or contractor of DOD, who is the subject of an official investigation by the RSO, shall be interviewed without the approval of and instructions from Defense Component headquarters and the DOD Executive Agent through DS, unless requested by the Chief of Mission. Any time the RSO conducts a formal investigation concerning U.S. citizen employees or contractors of DOD, a full report shall be forwarded to the Defense Component Headquarters and the DOD Executive Agent via DS. Urgent matters shall be handled by telegram.

Continuation—12 FAM 451 Exhibit 451.3

(3) Investigations of dependents or proposed dependents of U.S. citizen employees will be conducted consistent with State Department personnel policies, as stated in Volume Three of the Foreign Affairs Manual (3 FAM). Such investigations may be supplemented by DOD, in accordance with established personnel security investigation procedures, when deemed in the interest of national security.

C. Foreign National Employees and Contractors

(1) The RSO and the Defense Component office at post will ensure that all foreign nationals proposed for contractual status or employment are investigated, in accordance with established procedures and that the RSO will issue a certification for employment in each approved case. Investigations should be completed prior to employment or execution of a contract. However, such persons may be employed on an interim basis, upon the completion of a satisfactory local investigation and temporary certification by the RSO. Continued employment will be contingent upon satisfactory results of a completed investigation. Foreign National employees and contractors are to be re-investigated and certified every five years.

(2) Allegations of misconduct against foreign national employees and contractors will be investigated by or under the direction of the RSO. Detailed reports of such investigations shall be forwarded to the DOD Executive Agent through DS. The results of such investigations shall be the basis for a determination by the RSO of corrective action to be taken, subject to the concurrence of the Chief of Mission. The RSO will refer to Defense Component Headquarters through DS and the DOD Executive Agent, any cases for which the Chief of Mission believes a decision should be made by Defense Component Headquarters.

(3) The RSO and the Defense Component office at post will ensure that every foreign national, whose position at post requires access to administratively controlled information, is properly investigated and certified.

(4) Security checks and/or investigations of domestic staff of U.S. Defense Component office employees will be conducted consistent with post policy.

Continuation—12 FAM 451 Exhibit 451.3

VI. TRAINING

A. DS will sponsor DOD Executive Agent personnel for appropriate security-related training offered by the Diplomatic Security Training Center (DS/TC), commensurate with the security clearance level and the need-to-know of the applicant. Such sponsorship is subject to course quota availability.

B. The DOD Executive Agent will sponsor DS personnel for appropriate security-related training, commensurate with the security clearance level and need-to-know of the applicant. Such sponsorship is subject to course quota availability.

VII. BUDGET AND REIMBURSEMENT

A. The Department of State and the Department of Defense will fund diplomatic security programs as specified in the Security Funding Matrix (Appendix A) and in accordance with Section IV.A.(2) of this MOU. DOS will fund, within funds available, standard DS security equipment and support that is commensurate with established threat levels. DOD Defense Components will fund, within funds available, non-standard DS security equipment and support which exceeds established threat levels. DOD Defense Component funding will be administered directly between the Defense Component and the Department of State, through contracts that provide security services or support.

B. All DS resource planning will be conducted in consultation with agencies represented at U.S. missions abroad, in order to provide an annual consolidated overseas security budget proposal.

C. Defense Component headquarters, utilizing its authority to protect its personnel and operations under the Internal Security Act of 1950 (50 U.S.C. 797), inter alia, will authorize local Defense Component offices to reimburse the Department of State for security services rendered to local Defense Component offices that exceed DOS funding allocations, upon formal notification of the DOD Executive Agent by DS of the projected security program funding shortfall.

1. Whenever possible, funding shortfalls should be identified in advance of the budget execution year.

Continuation—12 FAM 451 Exhibit 451.3

2. Reimbursement will be handled through standard procedures for reimbursement for services rendered and will be based upon actual or allocated costs of services rendered to the local Defense Component office under the aegis of the Emergency Action Committee.

VIII. IMPLEMENTATION AND TERMINATION

This Memorandum of Understanding will become effective upon signature by the representatives of the Department of State and the Department of Defense named below. It will remain in force until notification by either party, sixty days in advance, of its intention to terminate the conditions of the agreement.

 /S/
U.S. Department of State,
Assistant Secretary for
Diplomatic Security
Sheldon J. Kryz
Date: 9-17-90

 /S/
U.S. Department of Defense,
Deputy Undersecretary of
Defense (Security Policy)
Craig Alderman, Jr.
Date: 9-12-90

12 FAM 451 Exhibit 451.3
APPENDIX A
DEPARTMENT OF STATE AND DEPARTMENT
OF DEFENSE SECURITY FUNDING MATRIX

(TL:DS-39; 08-15-1994)

DELINEATION OF FUNDING RESPONSIBILITIES IN MOU

Program	DOD	DOS
Armored Vehicles (FAV & LAV)		
Procurement, armoring & transportation	X	
Inspection	X	
Local Guards (See *NOTE)		X
Program	DOD	DOS
Residential Security		
Purchase, install and maintain residential upgrades		X
Physical Security, Nonresidential Buildings		
Purchase, install and maintain DS standard equipment for nonresidential upgrades		X
Purchase, install and maintain nonstandard equipment for nonresidential upgrade	X	
Surveys of DOD facilities		X
Technical Security		
Purchase, install and maintain DS standard equipment to meet DS security standards		X
Purchase, install and maintain nonstandard equipment or equipment exceeding DS standards	X	

Continuation—12 FAM 451 Exhibit 451.3 APPENDIX A

Maintain equipment at remote DOD sites for which DOS cannot provide timely service	X	
Surveys of DOD facilities		X
Technical Countermeasures		
Routine TSCM inspections of DOD-controlled access areas		X
TSCM inspections of DOD-controlled access areas which exceed standard determined by post threat level	X	
Transit Security		
Secure shipment, storage and surveillance of construction materials for FBO projects at DOD-controlled access areas		X
Secure shipment, storage and surveillance of construction materials for non-FBO projects at DOD-controlled access areas	X	
Program	DOD	DOS
Secure shipment, storage and surveillance of nonclassified sensitive materials unrelated to construction projects	X	
Construction Security		
Surveillance and guards for FBO projects at DOD-controlled access areas	X	
Surveillance and guards for non-FBO projects at DOD-controlled access areas	X	
Training and Orientation		
At-post security training specifically requested by DOD and restricted to their personnel only, both U.S. and FSN	X	
Washington-based security training offered by DS and DS/TC	X	

Continuation—12 FAM 451 Exhibit 451.3 APPENDIX A

Investigations

Overseas background investigations (U.S. & FSN) of prospective DOD employees at U.S. missions abroad	X
Investigations of foreign national spouses	X

***NOTE:** Local Defense component offices are authorized to reimburse DS for the local Defense component office's share of costs, which exceed the approved field budget plan for a post. LGP costs include roving patrols, static guards and countersurveillance teams where appropriate. Cost share determinations will be based upon the actual or allocated cost of services rendered to the local Defense component office.

12 FAM 451 Exhibit 451.4
MEMORANDUM OF UNDERSTANDING
BETWEEN THE DEPARTMENT OF STATE AND
THE DEPARTMENT OF COMMERCE ON
SECURITY SUPPORT ABROAD

(TL:DS-39; 08-15-1994)

The Departments of State and Commerce agree to the following provisions regarding overseas security services and procedures, in accordance with the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399 codified at 22 U.S.C. 4801 et seq.).

PART I—AUTHORITY AND PURPOSE

The Omnibus Diplomatic Security and Antiterrorism Act of 1986, hereafter referred to as the Act, requires the Secretary of State, in consultation with the heads of other federal agencies having personnel or missions abroad, where appropriate and within the scope of resources made available, to develop and implement policies and programs, including funding levels and standards, to provide for the security of United States Government operations of a diplomatic nature. Such policies and programs shall include:

- (1) Protection of all United States Government personnel on official duty abroad (other than those personnel under the command of a United States area military commander) and their accompanying dependents, and,
- (2) Establishment and operation of security functions at all United States Government missions abroad, other than facilities or installations subject to the control of a United States area military commander.

In order to facilitate the fulfillment of these requirements, the Act requires other federal agencies to cooperate, to the maximum extent possible, with the Secretary of State through the development of interagency agreements on overseas security. Such agencies may perform security inspections; provide logistical support relating to their differing missions and facilities; and perform other overseas security functions as may be authorized by the Secretary of State.

Continuation—12 FAM 451 Exhibit 451.4

PART II—TERMS OF REFERENCE

Assistant Secretary of Commerce for Administration, Office of Security:

The office in the Department of Commerce (DOC) that coordinates with the Department of State on matters relating to security which may affect DOC employees assigned to U.S. missions abroad.

Assistant Secretary of State for Diplomatic Security (DS):

The office in the Department of State responsible for matters relating to diplomatic security and counterterrorism at U.S. missions abroad.

Consult; Consultation:

Refers to the requirement to notify all concerned parties of specific matters of mutual interest prior to taking action on such matters.

Controlled Access Areas (CAAs):

Controlled access areas are specifically designated areas within a building where classified information may be handled, stored, discussed, or processed. There are two types of controlled access areas: core and restricted. Core areas are those areas of the building requiring the highest levels of protection where intelligence, cryptographic, security (generally meaning technical equipment), and other particularly sensitive or compartmentalized information may be handled, stored, discussed, or processed. Restricted areas are those areas of the building in which classified information may be handled and stored. Classified discussions are permitted but may be limited to designated areas, depending on the technical security threat.

Coordinate; Coordination:

Refers to the requirement to notify all concerned parties of specific matters of mutual interest and solicit their agreement prior to taking action.

Counterintelligence Working Group (CIWG):

An organization established at a Foreign Service post, chaired by the Deputy Chief of Mission, for the purpose of reviewing post specific counterintelligence issues and coordinating all post counterintelligence programs.

Continuation—12 FAM 451 Exhibit 451.4

Department of Commerce Office:

Refers to an office abroad of the DOC such as the Foreign Commercial Service (FCS), United States Travel and Tourism Administration (USTTA), Bureau of Export Administration (BXA), or Bureau of the Census (CEN).

Diplomatic Security Service (DSS), Department of State:

The offices of the Department of State responsible for the development, coordination and implementation of security policies and programs domestically and at U.S. missions abroad.

Emergency Action Committee (EAC):

An organization established at a Foreign Service post by the Chief of Mission or principal officer, for the purpose of planning and coordinating the post's response to contingencies.

Nonstandard Security System:

Those items of security equipment which are not in the DS inventory and are not maintainable by DS personnel.

Overseas Security Policy Group (OSPG):

The Overseas Security Policy Group represents all agencies at post under the authority of the Chief of Mission. The OSPG develops, coordinates and promotes uniform policies, standards and agreements on overseas security operations, programs and projects which affect U.S. Government civilian agencies represented abroad. The primary functions of the OSPG or subgroups shall be to formulate and develop overseas security policies and guidance for official civilian missions. Implementation of policies adopted by the OSPG shall be the responsibility of the Department of State through the Bureau of Diplomatic Security.

Regional Security Officer (RSO):

The RSO is a U.S. Foreign Service security officer serving abroad at an embassy or consulate who is responsible, through the chain of command to a Chief of Mission, for implementing and managing the Department's overseas security programs. The specific geographical regions for which RSOs have responsibility may include one or more Foreign Service posts.

Continuation—12 FAM 451 Exhibit 451.4

Senior DOC Officer:

The officer charged with the direction, management, and oversight of all DOC activities at U.S. missions abroad.

Standard Security Equipment and Systems:

Security equipment normally in the DS inventory and maintainable by DS personnel.

PART III—GENERAL ISSUES

A. Existing Policy

Nothing in this agreement shall derogate from or be construed to conflict with the authorities and responsibilities of the Secretary of State, or the Chief of Mission as described in the Act, the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) and NSDD-38. The following existing agreements are appended to this MOU and remain in effect between the Departments of State and Commerce to the extent that they do not conflict with this MOU.

Department of State/Department of Commerce Memorandum of Understanding Regarding Agency Responsibilities for Implementation of the Diplomatic Security Construction Program, signed April 8, 1987.

B. Issues Not Covered

Should a particular security issue which is not covered in this MOU develop at a U.S. mission abroad, the interested officials, with the concurrence of the Chief of Mission, will refer the matter to the Diplomatic Security Service and the DOC Office of Security for further consideration and subsequent policy guidance.

C. Conflicts at Post

(1) Should an issue arise at post between the Senior DOC Officer and the RSO concerning the substance or interpretation of this MOU, the interested officials will refer the matter to the Director of the Diplomatic Security Service (DSS) and to the DOC Office of Security in Washington, D.C.

Continuation—12 FAM 451 Exhibit 451.4

(2) In the event of dissatisfaction with security services provided by the RSO to post DOC offices and when attempts to resolve problems in consultation with the RSO have failed, the post DOC office may bring its concerns to the Chief of Mission, through the Emergency Action Committee (EAC). The EAC may recommend to the Chief of Mission that a joint inspection of the facilities be performed by the headquarters staff of DS and representatives of the DOC Office of Security to assess the security services being provided to post DOC offices.

PART IV—PHYSICAL, TECHNICAL AND PROCEDURAL SECURITY ISSUES

A. Standards

(1) DS has the responsibility for developing and issuing physical, technical, and procedural security standards, in coordination with the members of the OSPG, and identifying approved security equipment which will enhance the security of all employees of the foreign affairs agencies and all new and existing installations at U.S. missions abroad.

(2) It is the policy of the Department of State to accord security protection on an equitable basis to all U.S. citizen employees of U.S. missions abroad. Any differences in the level of security provided to individuals or categories of employees at post must be based on specific higher threat levels placed on those employees and must be recommended by the post Emergency Action Committee.

Continuation—12 FAM 451 Exhibit 451.4

(3) DOC agrees to comply with DOS security standards. If a DOC office at post seeks to have more stringent security than that required by the post's officially established threat level (which is included in the Composite Threat List distributed by the DOS) the office must notify the Regional Security Officer, providing the standard to be applied and a justification for the request. The RSO, as the security expert at post, will examine the request and determine the potential impact upon the security of the post. If (in the opinion of the RSO) the request represents a departure from existing security standards, it will be forwarded to either the EAC or Counterintelligence Working Group (CIWG), as appropriate, for a determination of whether there are circumstances which warrant the application of more stringent standards. If the EAC or CIWG endorses the request and additional resources will be required to implement it, the request will be forwarded by the RSO to the Department of State with a recommendation for implementation. If the DOC office at post disagrees with the determination of the EAC or CIWG, the question may be referred to the Chief of Mission and ultimately to DS and DOC Office of Security for resolution. Any additional costs associated with approved security upgrades will be borne by the DOC Office requesting the upgrade, through established funding mechanisms between the DOC Office of Security and DS.

(4) Existing physical and technical security standards may be modified, whenever improved deterrents are identified. Physical and technical security equipment will undergo certification testing by U.S. Government agencies and commercial testing laboratories that have been approved by DS. Testing will be done in accordance with DSS-approved test procedures and performance criteria, to ensure that such equipment conforms to established physical security standards.

(5)a. The DOC agrees to comply with current DOS collocation policy for all DOC office space abroad. Whenever the Department of Commerce plans to add or relocate a DOC office into a separate or new facility, the DOC Office of Security will prepare the required exemption notification, or, if applicable, the collocation waiver package, with input from the affected DOC office(s), the RSO, and other appropriate DOS elements. The notification or waiver package will be prepared and handled in accordance with current collocation policy and waiver provisions. The DOC will be responsible for funding all costs associated with the new facility, including those costs required to meet current security standards in the new space.

Continuation—12 FAM 451 Exhibit 451.4

b. Should the Department of State mandate DOC personnel to relocate to a different facility, the RSO, working with appropriate DOS offices (e.g., A/FBO) and with input from the DOC Office of Security, will prepare and submit any required waiver package in accordance with current collocation policy and waiver provisions. In such cases, the Department of State will be responsible for funding necessary standard security upgrades for the newly-occupied space.

B. Surveys Conducted by Security Personnel Not Resident at Post

DS, either on its own (with prior notification to the Chief of Mission and to DOC Office of Security) or at the request of DOC officials, will be responsible for conducting complete physical, technical, and procedural surveys of all DOC offices attached to U.S. missions abroad. The security officer conducting the surveys will make recommendations based on existing physical and technical security standards and will advise the Senior DOC Officer at post, as well as the Chief of Mission, of any weaknesses or deficiencies noted in the course of such surveys. Copies of the survey will be provided to the DOC Office of Security and DSS. DOC will be afforded the opportunity to review and comment on survey recommendations which affect the operations of DOC office facilities.

C. Local Guard Program

The RSO shall establish and implement local guard procedures necessary for the security of post DOC official facilities and residences. Appropriate procedures for guards at these locations will be established and documented in the form of written post guard orders. The level of protection provided to the DOC will comply with approved OSPG Local Guard Program standards.

Continuation—12 FAM 451 Exhibit 451.4

D. Security Program Inspections

DOC security officers may conduct periodic or emergency surveys and inspections of their local DOC office facilities at U.S. missions abroad. Such surveys and inspections may only be conducted with prior notification to the RSO at post through DSS. Further, the DOC Office of Security may review the adequacy of the local guard and residential security services provided to DOC offices. On such occasions, the RSO shall make available to DOC inspectors such information pertaining to DOC offices/residences as may be required. Prior to departure from post, the DOC security officers conducting the inspection will review the recommendations and any issues with the RSO and attempt to resolve them. Recommendations or issues which cannot be resolved at post between the inspecting DOC representative and the RSO, will be handled in accordance with the procedures in Section III-C(2) of this agreement entitled, "Conflicts at Post." The DOC inspectors will provide the RSO and DSS with copies of the final reports of security inspections made by its personnel. If additional resources are required to support DOC's findings, this determination must be referred to both the State and Commerce Departments for further coordination.

E. Residential Security

The RSO will establish and implement a residential security program applicable to all American personnel under the authority of a Chief of Mission. The level of protection provided to DOC residences will comply with approved OSPG Residential Security standards.

F. Technical Security

DS Security Engineering Officers (SEOs) will include post DOC offices in routine technical security countermeasures (TSCM) inspections of controlled access areas at post, where the technical threat warrants such routine inspections.

G. Storage Of Classified Materials

U.S. missions will store and safeguard classified and administratively controlled materials, in accordance with DOS regulations and policies. At facilities approved by DS for storage of classified information, the RSO will designate controlled access areas and establish supervisory controls over the distribution and storage of classified and administratively controlled materials. Those approved DOC offices may store classified up to an authorized security classification level, in accordance with DOS Security Standards for the Storage of Classified information at posts abroad.

Continuation—12 FAM 451 Exhibit 451.4

H. Forced Entry/Penetration

All instances involving the physical penetration of a building, including unauthorized entry or damage to property, as well as possible compromise of classified information, will be reported by DOC Office personnel to the RSO and the Chief of Mission. The RSO will conduct appropriate investigations and provide full details of the incident, as well as any follow-up action, to the Chief of Mission and the Senior DOC Officer at post. Similar information will be provided by telegram to DS and to the DOC Office of Security via the Department of State. Suspected technical security penetrations and hazards discovered by post DOC personnel will be reported to the RSO for appropriate action. If a SEO inspection of any post DOC office reveals a technical security penetration or hazard, a report will be provided expeditiously to the DOC Office of Security through DS, under the provisions of the DCI Procedural Guide I-II-III.

I. Security Violations

The RSO will implement security violation reporting procedures for DOC office facilities, in conformance with those specified in existing DOS regulations and policies. The RSO reports all classified material violations to DS. Within seven (7) days after receiving a violation report from post involving DOC office personnel, DS will report the violation to the DOC Office of Security for administrative or disciplinary action.

J. Post Training and Orientation

The RSO will include U.S. citizen employees of the DOC office, and where appropriate, their dependents, at post in training and indoctrination lectures, crisis management drills and in the dissemination of security awareness materials.

K. Unit Security Officers

Where determined to be of practical operational value and in consultation with the RSO, a Unit Security Officer will be appointed by the Senior DOC Officer at post. The Unit Security Officer will be responsible for the conduct of daily physical, technical and procedural security services for the DOC office and will assist the RSO, as requested, in DOC investigative activities. The Unit Security Officer will be trained and guided by the RSO in the execution of security functions for post DOC offices.

Continuation—12 FAM 451 Exhibit 451.4

L. Reports

Copies of routine reports or correspondence pertaining to all activities conducted by or under the direction of the RSO, dealing with the DOC physical, technical, or procedural security matters, will be furnished through mission channels and DS, to the DOC Office of Security. Recommendations for correcting deficiencies as well as corrective action taken will be included in such reports. Alerts, security incidents, or notices of threats to U.S. personnel and facilities under the authority of a Chief of Mission, involving DOC offices or personnel, will be provided to the DOC Office of Security by telegram. Similarly, the DOC Office of Security will provide copies of correspondence to DS headquarters and RSOs, when communicating on such matters with the DOC office at post.

M. Installation and Maintenance of Security Systems

Subject to survey recommendations, DSS will install standard security systems at DOC offices at post, either by using Security Engineering Officers, Seabees, Security Engineering Contractors, or other cleared American contractors. The maintenance of standard DS technical security equipment at DOC offices at post will be included in the DS Security Engineering Maintenance Program. The maintenance of non-standard equipment which is not in DSS inventory, will be the responsibility of the DOC office utilizing the equipment. In cases where a DOC office requires technical equipment which is non-standard to the DOS inventory, that DOC office will procure, install and maintain the equipment at its own cost. Non-standard technical equipment will only be used if a DSS Security Engineering Officer certifies that it will not interfere with any standard DOS equipment installed. The DOC Office of Security, with DS concurrence, may contract separately for maintenance of security systems at remote sites which require extensive maintenance of a timely and frequent nature.

N. Requests for RSO Assistance

Requests from DOC Office of Security to the RSO for physical, technical and procedural security assistance not addressed elsewhere in this MOU will be cleared through the DS Office of Overseas Operations (DS/DSS/OP).

Continuation—12 FAM 451 Exhibit 451.4

O. Armored Vehicles

The level of protection provided to the DOC office will comply with approved OSPG Armored Vehicle standards. At posts where those standards warrant the armoring of DOC vehicles, the DOC Office of Security may arrange with DS to install light vehicle armoring to DOS specifications in the local DOC office vehicle(s). All armoring of DOC vehicles will be charged to DOC-designated funds.

PART V—INVESTIGATIONS

A. General

DS has, *inter alia*, the responsibility for investigating: (a) U.S. citizen applicants, (b) foreign national applicants, and (c) employees and contractors of the DOC at U.S. missions abroad. All requests for investigations, except routine embassy source and police checks originated by the DOC office, will be channeled through DS to the RSO, or processed as specified in separate agreements. Requests for routine embassy source checks may be made directly to the RSO or Post Security Officer (PSO) by the post Senior DOC Officer. Copies of investigative reports, contact reports and correspondence relating to investigative support of DOC matters or personnel will be furnished to the DOC Office of Security via DS. DOC may, at its discretion, dispatch persons from its Office of Security headquarters staff to inquire into a DOC investigative matter. All such activity will be coordinated in advance with the Chief of Mission through the RSO and DS headquarters.

Continuation—12 FAM 451 Exhibit 451.4

B. U.S. Citizen Employees, Contractors and Dependents

(1) U.S. citizen employees, contractors and dependents of post DOC offices assigned on a permanent and temporary basis at U.S. missions abroad may be investigated by the RSO: (a) upon the request of the DOC Office of Security and DS; (b) at the direction of the Chief of Mission, when allegations or complaints of a security or suitability nature are received; or, (c) to satisfy USG pre-employment clearance requirements. It is DS policy that no RSO is authorized to initiate an investigation of a U.S. citizen employee or applicant abroad without the advanced approval of the appropriate DS headquarters element. Prior to initiating an official investigation of any post DOC employee or contractor, and subsequent to preliminary inquiries of allegations or complaints, the RSO will report the case to the DOC Office of Security, via DS, as expeditiously as possible. Should the Chief of Mission direct such an investigation, the RSO may proceed but must immediately notify DS of all relevant information.

(2) No U.S. citizen employee or contractor of the DOC, who is the subject of an official investigation by the RSO, shall be interviewed without the approval of and instructions from DOC Office of Security, through DS, unless requested by the Chief of Mission. Any time the RSO conducts a formal investigation concerning U.S. citizen employees or contractors of the DOC, a full report shall be forwarded to the DOC Office of Security via DS. Urgent matters shall be handled by telegram.

(3) Investigations of dependents or proposed dependents of U.S. citizen employees will be conducted consistent with State Department personnel policies, as stated in Volume Three of the Foreign Affairs Manual (3 FAM).

C. Foreign National Employees and Contractors

(1) The RSO and the DOC office at post will ensure that all foreign nationals proposed for contractual status or employment are investigated, in accordance with established procedures and that the RSO will issue a certification for employment in each approved case. Investigations should be completed prior to employment or execution of a contract. However, such persons may be employed on an interim basis, upon the completion of a satisfactory local investigation and temporary certification by the RSO. Continued employment will be contingent upon satisfactory results of a completed investigation. Foreign National employees and contractors are to be re-investigated and certified every five years.

Continuation—12 FAM 451 Exhibit 451.4

(2) Allegations of misconduct against foreign national employees and contractors will be investigated by or under the direction of the RSO. Detailed reports of such investigations shall be forwarded to the DOC Office of Security through DS. The results of such investigations shall be the basis for a determination by the RSO, in consultation with the Senior DOC Officer, of corrective action to be taken, subject to the concurrence of the Chief of Mission. The RSO will refer, through DS, to DOC Office of Security, any cases for which the Chief of Mission believes a decision should be made by the Department of Commerce.

(3) The RSO and the Senior DOC Officer at post will ensure that every foreign national, whose position at post requires access to administratively controlled (Limited Official Use - LOU) information, is properly investigated and certified.

(4) Security checks and/or investigations of household staff of U.S. DOC office employees will be conducted consistent with post policy.

PART VI—Budget And Reimbursement

A. DOC reimbursement to the Department of State for security services rendered by DS will be handled by the budget offices of DS and DOC, through standard procedures for reimbursement for services rendered.

B. DS budgets normally include components of DOC's overseas security. DS will coordinate fully with DOC on overseas security resource levels during the preparation of DS overseas security budgets. DOC will provide all requisite data to enable a collective budget submission. DS will provide DOC with advance copies of DS budget submissions and keep DOC informed of their progress on a timely basis.

Continuation—12 FAM 451 Exhibit 451.4

C. In the preparation of final security program and budget recommendations for the Department of State, DS will consult with DOC regarding funding for overseas security. Requests for funding overseas security programs will include specific requirements and justifications for each post based on security standards. Based on the post's security priorities and the funds available for security, DOS will allocate funds and resources to meet DOC security needs overseas.

PART VII—IMPLEMENTATION AND TERMINATION

This Memorandum of Understanding will become effective upon signature by the representatives of the Department of State and the Department of Commerce named below. It will be included in the official security policy manual of the Department of State, Volume 12 of the Foreign Affairs Manual series entitled Diplomatic Security. The MOU will remain in force until sixty days after notification by either party of its intention to terminate the conditions of the agreement.

U.S. Department of State,
Assistant Secretary for
Diplomatic Security

/s/

Sheldon J. Krys
Date: May 29, 1992

U.S. Department of Commerce,
Assistant Secretary for
Administration

/s/

Preston Moore
Date: May 18, 1992

12 FAM 451 Exhibit 451.5
MEMORANDUM OF UNDERSTANDING
BETWEEN THE DEPARTMENT OF STATE AND
THE DEPARTMENT OF THE NAVY
CONCERNING THE USE OF NAVAL SUPPORT
UNIT PERSONNEL ASSIGNED TO THE
DEPARTMENT OF STATE'S SECURITY
PROGRAM

(TL:DS—84; 10-30-2002)

I. MISSION AND CONTROL

A. Mission. The primary mission of the Department of State Naval Support Unit (DOS/NSU) is to provide DOS with Navy construction personnel with specialized skills in building construction, maintenance and repair essential to DOS facilities and security programs located worldwide. NSU accomplishes its mission by the use of security-cleared U.S. Navy Seabees capable of either personally performing these functions or providing close supervision and monitoring of uncleared laborers involved in such work in security sensitive areas.

C. Personnel. The number and rating (skill code) composition of personnel assigned to NSU will be determined jointly by DOS and OIC/NSU.

D. References.

1. The provisions of the Economy Act, Title 31 U.S.C., shall apply to requests for reimbursement under this MOA.

2. Memorandum of Agreement between DOS and Navy signed 13 Feb 97 is superseded by this agreement.

3. NSUSTATEINST 3120.1 Series, NSU Standard Operating Procedures

Continued—12 FAM 451 Exhibit 451.5

II. DEPARTMENT OF STATE RESPONSIBILITIES

A. Assistant Secretary for Diplomatic Security. The Assistant Secretary of State for Diplomatic Security (DS) shall manage the DOS/NSU program within DOS and will serve as the primary liaison with Department of the Navy concerning program issues. DS shall coordinate with DoD, all other agencies wishing to utilize NSU resources to ensure compliance with applicable DOS, DoD, and DoN regulations, instructions, and agreements. DS shall arrange and provide requisite training to NSU personnel, necessary to support the DOS/NSU program and ensure flexible and maximum utilization of personnel. The Assistant Secretary of Diplomatic Security, or his/her designated representative, shall provide operational direction to the OIC/NSU for DS-sponsored billets. Additionally, he/she will provide fiscal administrative support and assistance to OIC/NSU in developing and administering the annual DOS budget for NSU.

B. Director of Information Security Technology (IST). The Director of IST (DS/CIS/IST) shall provide operational direction and guidance to the OIC/NSU (DS/IST/NSU) via Security Technology Operations (DS/IST/STO). IST shall provide the required number of Seabee billets, posting locations and specific qualifications of personnel assigned to NSU.

C. Division Chief for Security Technology Operations (STO). The Division Chief for DS/IST/STO shall provide guidance and promote and maintain understanding between NSU and users of Seabee services. Within the guidelines set forth above and in close liaison with the OIC/NSU, the Overseas Support Branch (DS/STO/OSB) will:

1. Acquire and maintain directives required to effectively discharge the coordinating functions and responsibilities;
2. Coordinate changes in the Navy/State MOA and in Departmental directives dealing with Seabee employment, funding, and support requirements; insofar as these changes impact on operational, budgetary, and staffing requirements;
3. Review and approve projects and determine priorities of projects when scheduling conflicts exist;
4. Monitor Seabee assignments, travel orders, instructional and guidance memoranda, telegraphic traffic, and other communications destined for other Departmental offices, agencies and overseas locations which deal with matters of operational, budgetary, and administrative concerns of the NSU program.

Continued—12 FAM 451 Exhibit 451.5

5. Ensure requests for deployments of NSU personnel involving travel to high or critical threat areas are referred to DoD for approval in accordance with the classified annex to this agreement.

6. Obtain DoD approval for NSU personnel support to other U.S. government agencies in accordance with the classified annex to this agreement.

7. Advise OIC/NSU whenever the duty location or responsibilities for NSU personnel changes.

8. Arrange for and provide training to NSU personnel necessary to support the NSU program and ensure flexible and maximum utilization of personnel.

D. Officer in Charge/Engineering Service Center (OIC/ESC) or Officer in Charge/Engineering Service Office (OIC/ESO).

1. The OIC, in coordination with chief Petty Officer in Charge (CPOIC) of their region, shall be responsible for the overall proper employment, priority of tasking and compliance with the requirements of II.C.5 and II.C.6 above for locally assigned NSU personnel whether resident or in a temporary duty (TDY) status within their area of responsibility. The OIC, in coordination with post management, shall ensure that posts provide appropriate housing and support for Resident or TDY Seabee(s) assigned within their area of responsibility as stated in this MOA. Other Security Engineering Officers (SEO) may be assigned as project leader for teams which includes Seabees, in which case, the SEO is responsible for proper employment and priority of tasking for NSU personnel.

2. A request for additional Seabee support will be based upon established security criteria as defined under the terms of the mission and guidance provided herein. When an NSU Seabee team is assigned, in response to such a request, the Senior Seabee is responsible for providing management, supervision, and administrative support for subordinate NSU personnel in accordance with this agreement and applicable Navy regulations. The senior Seabee present will coordinate with the DOS local Project Manager or Security Engineering Officer concerning proper employment and tasking priorities.

Continued—12 FAM 451 Exhibit 451.5

E. Regional Security Officer (RSO). Regional Security Officers may request, through the appropriate ESO/ESC or DS/IST/STO, Seabee support for security projects that comply with the mission of the NSU. Locations where a Seabee is assigned without a resident SEO will be known as a CBO (Seabee Office). The Seabee at a CBO will obtain administrative support from the CPOIC of that region. The RSO at a CBO provides operational tasking of the Seabees but must ensure that the Seabee is available to perform regional responsibilities and that the local tasking is restricted to projects that comply with the terms of the mission and the guidance provided herein, to include the requirements of II.C.5 and II.C.6 above. The RSO will be responsible, where designated on official orders, for the on-site supervision of the senior Seabee present, whether resident or in a temporary duty (TDY) status. The RSO will also ensure that the post provides appropriate housing and support for all resident or TDY Seabees assigned within their region of responsibility.

III. DEPARTMENT OF THE NAVY RESPONSIBILITIES

A. COMNAVFACENGCOM. The Commander, Naval Facilities Engineering Command (COMNAVFACENGCOM) shall manage the DOS/NSU program within the U.S. Navy and will serve as the primary liaison with Department of State concerning program issues. COMNAVFACENGCOM shall provide administrative support to NSU as required, over and above the support that is a DOS responsibility. NSU will, with the approval of the Officer in Charge/NSU (OIC/NSU), and the Under Secretary of the Navy when required, provide NSU personnel to DOS to perform maintenance, repair, alteration, and construction projects at DOS and other U.S. government facilities. Factors considered prior to granting approval include the following: 1) availability of NSU personnel, 2) capabilities of NSU personnel, 3) threat assessment of location and mission being performed, and 4) risk to Navy personnel.

B. Officer in Charge/Naval Support Unit (OIC/NSU). The OIC/NSU shall:

1. Maintain liaison with and receive operational tasking and priorities from the Security Technology Operations Division (DS/IST/STO) within DOS and provide technical guidance and support for the proper use of NSU personnel consistent with the terms of this Agreement, the classified annex, and applicable DoD and DoN regulations and instructions.

2. Arrange for Navy Seabees to fill approved and funded Resident and/or TDY NSU Seabee billets. The OIC/NSU will make every attempt to support each request while maintaining worldwide support consistent with the mission of NSU.

Continued—12 FAM 451 Exhibit 451.5

3. Direct the worldwide movement of NSU personnel based on operational taskings approved by DS/IST/STO. OIC/NSU will select personnel based on skills required for each task, professional development of NSU personnel, and logistical requirements. OIC/NSU will coordinate NSU personnel movements with DS/IST/STO in order to minimize hardships to local program operations.

4. Recruit and select qualified Navy Seabee and other Navy personnel for assignment to NSU based on approved Navy manpower authorizations and DOS requirements. DOS and OIC/NSU will jointly agree on the number and rating (skill code) composition of personnel assigned to NSU (see also I.C.).

5. Ensure requests for deployments of NSU personnel involving travel to high or critical threat areas are referred to DoD for approval in accordance with the classified annex to this agreement.

6. Personally inspect, or designate a representative to inspect, all Resident Seabee locations on annual basis or more frequently as required. A review will be conducted of performance, safety, welfare, conduct, and use of NSU Seabee personnel and the support arrangements provided by the applicable post sponsoring the Seabee billets to insure that appropriate standards are maintained.

7. Personally inspect, or designate a representative to inspect, any and all TDY Seabee locations in conjunction with other site visits in a geographic region.

8. Conduct, or have a designated representative conduct, pre-construction and post-construction visits for projects lasting three months or longer, or costing \$100,000 or more. This requirement will pertain to projects involving actual construction by Seabees as opposed to construction security monitoring. Additional progress inspections will be authorized at the rate of one visit every three months for projects lasting longer than three months. The project's sponsor shall fund costs for these inspections.

9. Submit monthly NSU operations and status reports to DS/IST and COMNAVFACENGCOM.

C. Senior Seabee. When a NSU Seabee team is assigned, the senior Seabee is responsible for providing management, supervision, and administrative support for subordinate NSU personnel in accordance with this agreement and applicable Navy regulations. The senior Seabee present will coordinate with the DOS Local Project Manager or Security Engineering Officer concerning proper employment and tasking priorities.

Continued—12 FAM 451 Exhibit 451.5

IV. BASIC OPERATIONAL GUIDELINES

A. The overall mission of the NSU program is to improve and maintain the physical and technical security of restricted spaces by providing construction or construction monitoring capability within DOS. Generally, only projects in secure or restricted spaces, or projects directly dealing with facility security will be supported by NSU.

B. Tasking Assignments. Seabees may be tasked with the following types of work as noted:

1. Construction Security Monitoring. Seabees may be assigned to monitor foreign nationals or uncleared personnel performing construction, renovations, or repairs of structures within buildings or offices that either house or are planned sites for sensitive security operations. Monitoring team members are not to be considered as project managers, material expeditors or supervisors for local contract employees. The control and security of the area during hours when work is not in progress (e.g., at night, on weekends or holidays) is the responsibility of the DOS Site Security Manager. NSU personnel will not be used for site security.

2. Special Projects. NSU TDY Project Teams are used for construction, installation, renovation, maintenance, and repair projects where it is not prudent to use local workmen in sensitive areas. These security construction projects should be well defined, planned, approved, and funded, and have materials on-site prior to the arrival of NSU personnel. Final project design specifications and material availability is the responsibility of the project sponsor. The NSU Project Team's composition and scheduling will be the responsibility of NSU, based on preliminary information provided by the project sponsor. Work other than the designated project must be approved by NSU prior to commencement of work. The NSU Seabee Team Leader will coordinate with the designated DOS contact individual for post support, material support, design changes, and work progress. Should the DOS post believe that work is being performed improperly or in an unacceptable manner, and the problem cannot be resolved between the post and the Team leader, direct communication should be initiated with OIC/NSU and project sponsor. A project completion report will be prepared by the Team Leader and countersigned by the Designated Local Project Manager or Security Officer and project sponsor. This report constitutes acceptance of the completed project or the rationale for incomplete work or changes in design.

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3. Installation, Maintenance and Repair. Seabees may be assigned to provide installation, maintenance or repair of secure restricted facilities, areas, or security equipment where it is inappropriate to use local workmen. While anyone at the post may initiate a work request, approval of the OIC/ESC, OIC/ESO or RSO, as appropriate, is required for all work in accordance with paragraphs II.D and II.E.

4. Forced Entry/Ballistic Resistant (FEBR) Projects. If Seabees are detailed to maintain or support installation of FEBR doors or windows, arrangements should be made through the Office of Overseas Buildings Operations, Security Management Division (M/OBO/PE/SM) for appropriate training.

5. Assignment to M/OBO Construction Projects. In the event that NSU personnel are assigned to an M/OBO construction project, the M/OBO Project Director will provide appropriate guidance. The reporting channel will remain with the Naval Support Unit.

C. Inappropriate Tasking Assignments. DOS will not use NSU personnel in any activity outside the Tasking Assignments listed above or in any activity involving great personal risk. Tasking which falls outside the above guidelines detracts from the overall effectiveness of the DOS/NSU program. Inappropriate tasking can have an adverse impact on recruitment of quality personnel for this unique program and can have a negative effect on the competitive promotion of assigned personnel with respect to their Navy peer groups. Seabees will not be assigned to the following duties:

1. Escorts for local and visiting dignitaries or for Foreign Service National workmen where construction monitoring is not required (except where DOS post policy requires escorts in offices or shop spaces for security purposes).

2. Security guard duties.

3. Back up security forces.

4. Weapons repair and/or maintenance.

5. Bomb searches (except where a DOS post's bomb plan calls for assigned individuals to search their own offices).

6. Business and office machine repair and maintenance (does not include destructive equipment).

7. Telephone maintenance/installation.

8. Janitorial work.

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9. Destruction of classified material (other than emergency destruction under Section 1100 of the Emergency Action Plan) not belonging to NSU or relating to NSU Seabee functions.

10. Tasks of a non-security nature.

D. Deployment of Personnel. To accomplish its mission and tasking, NSU will assign personnel to one of three types of billets: TDY, Resident, or Headquarters.

1. TDY Billet.

a. Personnel assigned to these billets will be available for worldwide deployment based on the tasking priorities of DS.

b. To help maintain continuity, OIC/NSU shall strive to assign personnel to a pool of TDY billets for a minimum of 12 months.

c. Personnel assigned to a TDY billet can expect to be available for deployment 80-85% of the time (including weekends and holidays). The remainder of the time will be spent on leave or NSU administrative requirements. Per naval regulations, Naval personnel may not be continuously deployed in TDY status for more than 180 days without the approval of the Secretary of the Navy.

2. Resident Seabee Billet. DS approval is required for any billets to be resident at overseas DOS posts or offices within the United States.

a. Personnel assigned to these billets will be available primarily for regional travel and, if necessary, worldwide travel based on tasking priorities.

b. To help maintain continuity and minimize transfer costs, OIC/NSU shall strive to assign personnel to Resident billets for a minimum of 24 months. This is contingent upon the ratio of TDY to Resident billets, unplanned events, and/or NSU personnel issues.

c. NSU personnel assigned to these billets shall be permitted to have family members and dependents accompany and reside with them at the posting location.

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3. Headquarters Billets. NSU Headquarters billets shall consist of the following: Officer in Charge (OIC), Assistant Officer in Charge (AOIC), Operations Chief, Training Chief, Disbursing Clerk, Admin Supervisor, Personnel Supervisor, Personnelman, and Yeoman. In addition to providing command and control functions over all NSU personnel, the NSU Headquarters staff will be responsible for, but not limited to: the maintenance of military personnel and pay records; the drafting and liquidation of TDY orders per applicable military regulations; processing and tracking paperwork, such as that required to obtain security clearances, passports, and visas; arranging and coordinating training for unit personnel; and providing oversight and administration of Navy-wide exams.

E. Public Affairs. Initial response to media inquiries concerning incidents involving Seabee personnel shall be “no comment, pending ongoing investigation at this time.” All inquiries shall be referred to the Office of Assistant Secretary of Defense, Public Affairs, Pentagon, Washington, D.C. The Department of Defense, OUSD(P)/Special Advisory Staff, Department of the Navy, and the DS Public Affairs Officer will jointly determine: the facts and circumstances of an incident; what, if any, public affairs release may be appropriate; when such a release should be made; and which agency should make the release.

F. Miscellaneous Guidelines.

1. Loaning of Seabee Resource. To maximize personnel use, NSU personnel not currently tasked by DS/IST/STO may be employed on other security related projects to other organizations once operational approval is obtained from DS/IST/STO and OIC/NSU and a formal request has been forwarded and approved in accordance with the classified Annex A to this MOA. DS/IST/STO and OIC/NSU will ensure that any other organization using Seabees provides full reimbursement, including but not limited to salary, travel and per diem costs for Seabee teams and inspection trips authorized in paragraph III.B.7.

2. DOS Regulations. NSU personnel shall abide by all applicable DOS regulations except when doing so would violate military law or regulation, contradict the provisions of this MOA, or result in the loss of entitlement. When conflicts arise between DOS and Navy regulations, Navy regulations shall take precedence for all military personnel and their families. OIC/NSU will inform DS/IST/STO whenever such conflicts arise.

3. Weapons. Seabees will not be issued weapons without prior approval of both DS and OIC/NSU.

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4. Hazardous Materials. NSU personnel shall abide by all Navy Occupational Safety and Health Regulations. Work with or in spaces containing hazardous materials is not permitted without the prior approval of OIC/NSU, completion of any required safety courses, and the wearing of applicable safety clothing and equipment.

V. FISCAL AND SUPPORT RESPONSIBILITIES

A. Billet Funding. The DOS shall provide funding for the DOS/NSU program.

1. TDY Billet Costs. Typical costs of a TDY billet include, but are not limited to:

a. Reimbursement to the Navy for Pay and Allowances including Permanent Change of Station (PCS) costs (see paragraphs V.B. and V.C.).

b. TDY costs from Washington, D.C., to job site(s) and return including that necessitated by training, emergency leave, evacuation, or medical care (see paragraphs V.D., V.E., V.F., V.G., and Section VII).

c. Tools, equipment, and specialized protective clothing required for construction work.

d. Prorated share of NSU overhead (Headquarters) costs (see paragraph V.A.3.).

2. Resident Billet Costs. Typical costs of a Resident billet include, but are not limited to:

a. Reimbursement to the Navy for Pay and Allowances including PCS costs to/from resident posts (see paragraphs V.B. and V.C.).

b. TDY costs for military member from posting location to job site(s) and return, including that required for training (see paragraphs V.D. and V.E.).

c. All travel entitlements for military member and/or dependent(s) for emergency leave, evacuation, Funded Environmental and Morale Leave (known as R&R within DOS), or medical care (see paragraphs V.D., V.F., V.G., V.H., and Section VII).

d. Furnished housing at all resident locations outside the Continental United States to include all utilities except phone or cable service (see paragraph V.I.).

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e. Education costs for school aged dependent children at resident locations outside the United States (see paragraph V.J.).

f. Office, shop, and storage spaces including furniture, computer, office supplies, tools, equipment, and specialized protective clothing required for construction work.

g. Prorated share of NSU overhead (Headquarters) costs (see paragraph V.A.3.).

3. Headquarters Costs. Funding for overhead support will be generated by prorating the Headquarters budget over all TDY and Resident billets. The Assistant Secretary for Diplomatic Security (DS) shall be responsible to provide suitably furnished office space for headquarters personnel and TDY personnel when not performing TDY. DS shall also assist the OIC/NSU in the development and maintenance of the Headquarters budget. The Headquarters budget shall include, but not be limited to, the following:

a. Reimbursement to the Navy for Pay and Allowances including PCS costs of Headquarters Staff.

b. Reimbursement to the Navy for Pay and Allowances including PCS costs for personnel undergoing initial unit training, or leave and transit time during transfer into or out of the unit.

c. TDY costs for inspections, recruiting, and training of personnel.

d. Vehicle (sedan) for travel to local Embassies (for visas) and supporting NSU activities.

e. Vehicle (van) for transportation of newly arrived personnel during their initial training. (May be rental, since only required when a class is in session.)

f. Office supplies and equipment.

g. DOS will provide government-furnished parking to NSU staff in Headquarters billets.

B. Pay and Allowances. All pay and allowances will be paid by the Navy subject to reimbursement by the DOS. The DOS will reimburse the Navy at the current Composite Standard Military Rate Table for Pay and allowances (set each year by the DoD Comptroller).

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C. Household Goods (HHG) Shipment. Shipment of HHG and personally owned vehicle (POV) is authorized per JFTR, Volume 1, for PCS into and out of NSU and for intra-NSU moves (most often a transfer from a TDY billet in Washington, D.C., to a Resident billet at an overseas post). Costs are already included in the Composite Standard Military Rate Table. For PCS to/from overseas Resident billets, all arrangements for delivery/pick-up at the overseas location shall be handled by the post. The Navy shall handle all arrangements for delivery/pick-up at locations within the United States.

D. PCS Travel and Per Diem. NSU personnel and their families shall be authorized transportation and lodging as authorized in the Joint Federal Travel Regulations (JFTR), Volume 1, for Uniformed Services Personnel. Costs are already included in the Composite Standard Military Rate. All travel orders for military members and their dependents shall be issued and liquidated per the JFTR, Volume 1.

E. Required Military Training. Since periodic training is required throughout an individual's military career, OIC/NSU shall be responsible to ensure that all mandatory training requirements for unit personnel are met in the most cost effective manner. The Navy and OIC/NSU will ensure that all current requirements are met prior to each individual's completion of NSU's initial training period. Following the initial training period, TDY and other similar support costs for subsequent, required military training (required by Navy Regulations) of NSU personnel will be funded by DS.

F. Emergency Leave. Emergency leave for NSU personnel and/or their dependents can be authorized ONLY by OIC/NSU per military regulations. Emergency leave may be authorized for a death, serious injury or illness within the member's or spouse's household, immediate family, or persons designated as In Loco Parentis. Round trip, Government funded transportation for the member and dependent(s) shall be as authorized per the JFTR, Volume 1, from the overseas post of assignment to the nearest point of entry in the continental United States. Funding is the responsibility of DS. OIC/NSU will coordinate issuance of DOS accounting data for travel in conjunction with approval of emergency leave.

G. Emergency Evacuation. Emergency evacuation travel and allowances for NSU personnel and their dependents while en route to, at, and returning from a temporary safe haven are funded by DS per the JFTR, Volume 1. DS may arrange funding from the same source as DOS personnel.

H. Funded Environmental Leave and Morale (FEML). FEML (referred to as R&R by the DOS) is authorized for NSU personnel and their dependents per the JFTR, Volume 1. FEML travel is funded by DS.

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I. Overseas Housing. DOS will provide fully furnished quarters for Resident Seabees and their dependents in the same manner as for other DOS personnel. Assignment of housing shall be based upon the standards for other comparable DOS personnel assigned to the post. Since military personnel forfeit their Basic Allowance for Quarters and Variable Housing Allowance by residing in government provided quarters, all utilities, except telephone and cable, will be paid by DOS in the same manner as for other DOS personnel. Seabees shall be required to follow all DOS or post energy conservation policies per paragraph IV.F.2. Resident Seabees are authorized Temporary Lodging Allowances upon initial arrival at post and just prior to departure per JFTR, Volume 1.

J. Dependent Schooling. The cost of overseas dependent schooling, including local transportation, will be fully borne by DS. This includes DoD schools which are no longer centrally funded but funded by individual commands based on usage. When educational funds are required, posts will request those funds and make payments directly to the educational institution. NSU personnel are not authorized to receive educational funds or make educational payments directly to the school.

K. Legal Expenses. For any criminal or civil litigation against NSU personnel where there exists a basis for the assertion of immunity, the Department of State will take appropriate steps to assert such immunity. In the event that foreign authorities detain NSU personnel, the Department of State will request their release regardless of whether there is a basis for the assertion of immunity. In all cases that may meet the Department of Justice criteria for the hiring of local counsel, Department of State will request that the Department of Justice hire local counsel on behalf of NSU personnel. In cases of foreign criminal or civil litigation against NSU personnel where the Department of Justice does not provide legal counsel, the Department of the Navy may pay customary legal expenses pursuant to 10 U.S.C. 1037 on behalf of NSU personnel. The Department of State will reimburse the Department of the Navy for such expenses. The Department of State will not be responsible for the reimbursement of court-martial expenses.

L. Medical and Dental Expenses. (See Section VII.)

VI. ADMINISTRATION

A. Establishing and Disestablishing Billets. Prior to establishment, all billets must be approved by both the Navy and the Bureau of Diplomatic Security for appropriateness of the position and the intended use of the Seabee.

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1. DS shall provide a plan of billet requirements for each of the next three fiscal years to OIC/NSU and Naval Bureau of Personnel. This plan shall be updated annually during the first quarter of each fiscal year to permit OIC/NSU and the Naval Bureau of Personnel sufficient time to adjust staffing to meet the requirements for the following fiscal year. OIC/NSU and the Navy cannot guarantee that staffing requirements will be met if the plan deadline is not met or if current NSU total end strength changes by more than 10%. Short notice or large changes in end strength numbers cause an anomaly in the Navy's personnel management process, disrupting career planning, the member, and member's family. Failure to timely incorporate reductions into the five year plan or requesting a reduction of more than 10% will result in the requirement for DS to continue to fund the position until the Navy Personnel Command can adjust the unit's staffing.

2. To reduce billet gaps, OIC/NSU and Naval Bureau of Personnel shall ensure that the numerical relief for a member transferring out of the unit is on board two to four months prior to the departure. This will allow the incoming member to complete the initial training and be available for billet assignment permitting contact relief of the outgoing member.

3. Requests to disestablish or relocate a Seabee position may be initiated by the post of residence, DS, or OIC/NSU. All requests shall be written and have supporting documentation. All requests shall be reviewed by DS, OIC/NSU, and the post of residence. Reasons for disestablishment may involve the diminished need for Seabee expertise, failure to use the Seabee properly as outlined in the MOA, failure to fully provide support to the position as outlined in this MOA, or when position, manpower, or funding limitations occur.

B. Qualifications for Assignment to NSU.

1. Be a Petty Officer Second Class or above, except for the junior YN billet.
2. Be a citizen of the United States.
3. If married, spouse must meet requirements for U.S. citizen per current DoD policy and regulations.
4. Must not have more dependents than authorized under current Navy policy or regulations for assignment to an overseas tour.
5. Have sufficient active obligated service remaining from date of reporting to NSU to meet current Navy prescribed tour lengths for NSU duty type or 36 months, whichever is longer.

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6. Have a clear record reflecting sound moral character and professional dedication.

7. Be recommended by his/her Commanding Officer on the basis of performance, technical skill, resourcefulness, versatility, attitude, and adaptability.

8. Be physically qualified and within standards in accordance with current Navy directives.

9. Be suitable for overseas assignment to locations with no military treatment facility nearby and limited civilian facilities. (Not required of YN, PN, or DK billets).

10. Dependents must not have any medical problems which would preclude them from accompanying the member overseas to locations with no military treatment facility nearby or adequate civilian facilities unless an unaccompanied tour is desired. (Not required of Headquarters Staff).

C. Clearances. All personnel assigned to NSU will be processed for Top Secret/Special Compartmented Information (SCI) clearance based on the most recent background investigation requirements. All investigations will be conducted by the Defense Security Service and must have been completed within the past five years prior to assignment to NSU. Top Secret clearances permitting access to SCI will be issued only when required by DOS following review of the investigative report.

D. Passports. NSU personnel will be issued and travel under diplomatic passports.

E. Foreign Accreditation Status. DOS will take appropriate steps to get NSU personnel accredited as appropriate.

F. Identification. NSU personnel will rely on their DOS identification and passports as the primary means of identification overseas. However, all active duty military personnel are required to have a valid Armed Forces Identification Card in their possession at all times. When responding to direct official questions from foreign government officials, NSU personnel are to declare their U.S. military affiliation and present their Armed Forces Identification Cards on demand. Exceptions may only be granted on a case by case basis by OIC/NSU based on ordinary circumstances for a particular tasking or project.

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G. Civilian Clothing. All assignments will be performed in civilian clothing. A full monetary allowance for civilian clothing is authorized per applicable Navy regulations. Costs are included in the Composite Standard Military Rate Table. Specialized safety clothing required due to potential exposure to excessive dirt or hazardous material is not included in this allowance. The wearing of military uniforms at overseas locations for ceremonial occasions requires the approval of the DOS Principal Officer at the post of assignment. In general, if the Marine Security Guards (if present) are authorized or required to wear their uniforms for a ceremonial occasion, the same authorization or requirement will apply to the NSU personnel.

H. Marriage to Foreign Nationals. The marriage of NSU personnel to a foreign national may be grounds for dismissal from NSU. Per Naval regulations, prior written approval must be obtained from NSU before any marriage ceremony with a foreign national. Approval will not be granted until completion of any required background investigation.

I. Tour Lengths. Tours with the NSU will be in accordance with current U.S. Navy directives, but not less than a minimum of three years in duration. Extensions beyond the normal activity tour length and early transfers will be at the discretion of the OIC/NSU. OIC/NSU will base extension/early transfer decisions on the member's performance in all areas, input from DS, appropriate Department of the Navy personnel, and DoD/Naval regulations.

J. Fitness Reports and Evaluations.

1. OIC Fitness Reports. The commander, Naval Facilities Engineering command (COMNAVFACENGCOM) will sign officer fitness reports for the OIC/NSU. To assist in the preparation of a fair and complete performance report, the Assistant Secretary (or designee) of Diplomatic Security (DS) shall conduct mid-term counseling, in compliance with Navy Personnel Command, and forward a copy to COMNAVFACENGCOM. Additionally, DS will draft the annual fitness report for signature by COMNAVFACENGCOM.

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2. Enlisted Fitness Reports and Evaluations. OIC/NSU shall have the overall responsibility to prepare all enlisted fitness reports and evaluations. To assist in the preparation of a fair and complete performance report, the designated DOS on-site liaison shall prepare the appropriate feeder report for the most senior Seabee and forward it to the designated NSU Rater listed in the most current NSU NOTICE 1610. This feeder fitness report/evaluation will be used in preparing the final fitness report/evaluation for signature by the OIC/NSU. When more than one Seabee is assigned, the fitness report/evaluation is to be prepared only for the senior Seabee. The latter will be charged with the preparation of evaluation reports for subordinate Seabee(s). Guidance on filling out these evaluations will be provided by NSU.

K. Awards.

1. Navy Awards. All Navy award recommendations for NSU personnel shall be submitted to OIC/NSU for endorsement and forwarding to the Secretary of the Navy Awards Board. OIC/NSU shall review all recommendations for accuracy, appropriateness, and proper format. Discussions about award recommendations with the intended recipient are inappropriate. The first time a member should know of an award is at the presentation ceremony. Guidelines on filling out the forms will be provided by NSU. In general, awards may be submitted under two situations:

a. The NSU member performed a singular act or series of acts in a superior manner above and beyond the call of duty during a single major project, event, or crisis.

b. The NSU member consistently performed in a superior manner above and beyond the call of duty over a prolonged period of time encompassing no one single project, event, or crisis. Typically, this situation will be used at the end of the member's tour with NSU.

2. Non-Navy Awards. All non-navy awards, including Letters of Commendation or Appreciation, shall be forwarded to OIC/NSU for command endorsement and to ensure the award is properly entered into the member's service record (originals only). Navy promotion boards will not consider any award or recognition that does not have the command's endorsement. NSU members shall not accept any monetary award except as provided for by U.S. law and Navy regulations.

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VII. MEDICAL AND DENTAL TREATMENT FOR NSU PERSONNEL AND DEPENDENTS

A. Authorized Treatment. NSU members (active duty) are authorized full medical and dental treatment (including prescriptions) as outlined in Title 10 U.S.C. and Navy Regulations. If required, authorized Medical and Dental cost for active duty members and their authorized dependents will be borne by post and reimbursed by DoN or the applicable dependent Medical/Dental insurance plan. Transportation costs will be borne by DOS/MED.

1. **Emergency Situations.** Active duty members receive full medical and dental treatment per Title 10 U.S.C. and/or Navy Regulations. When an emergency situation exists, and time does not permit obtaining required approval in advance, non-U.S. Government medical and/or dental care may be obtained by the service member and his authorized dependents.

2. **Non-Emergency Situation.** Active duty members must obtain approval from the OIC/NSU for medical treatment not outlined in Title 10 U.S.C or Navy Regulations.

A. Adequacy of Medical and Dental Care. Local medical and dental facilities can be used by NSU personnel and their dependents if available and deemed adequate for the treatment of a particular injury or illness and no U.S. Government facilities exist. The adequacy of local medical care shall initially be determined by DOS for all post personnel and must include a registered physician, assisting personnel, and facilities of comparable U.S. standards. NSU personnel who dispute this determination shall notify NSU outlining the circumstances and providing justification to support their contentions. An investigation will be conducted by NSU in coordination with Naval and DOS medical authorities and a final determination will be made by the Bureau of Naval Medicine and forwarded to the DOS, post, and member for appropriate action.

B. Facility Authorization. Active duty members and dependents of NSU shall utilize U.S. military medical facilities where available, or receive equitable medical treatment as provided by State Department medical officials at post facilities. Utilization of medical facilities depends on the local conditions and is basically outlined as follows:

1. Active Duty Members.

a. Members are provided full medical and dental care within the existing military or State Department medical facilities.

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b. If no U.S. government facilities are available (defined as within 40 miles overseas and predefined regions with the U.S.) service members may receive care from adequate local facilities (see paragraph VII.B).

c. If satisfactory medical facilities are not available locally, medical care and transportation will be provided to the nearest suitable military facility or suitable private hospital. Costs for such transportation including per diem will be borne by DOS/MED. Costs for private hospital care shall be borne by the respective post and reimbursed by the DoN. Procedures and forms will be provided by NSU/OIC and will conform to the most current non-Naval medical and dental care instruction from the Naval Bureau of Medicine.

d. DOS/MED will fund the transportation cost for medical evacuations (for emergencies, pregnancies, etc.) from the same source as that used for DOS personnel.

e. Periodic (approximately every 5 years), reenlistment, or discharge physicals must be administered by medical offices of the U.S. Armed Forces per military regulations. OIC/NSU will coordinate with DS/IST/STO to arrange the most cost effective method and location for completing required physicals on time. Any travel and per diem costs required will be borne by DOS/MED.

f. Per Navy regulations, medical and dental overseas screening must be completed within 30 days of receipt of PCS orders, if required. If adequate facilities to perform the overseas screening is not available, then the nearest government facility shall be used. Cost including travel and per diem for active duty member and his/her dependents will be borne by DS/MED.

2. Dependents (Overseas).

a. Dependents are provided full medical care within existing capabilities of military or State Department facilities. Dental care at government facilities is on a space available basis only.

b. If no U.S. Government facilities are available within 40 miles overseas or dependents reside outside the coverage area (roughly 75 miles) of a domestic military treatment facility, dependents may receive care from adequate local facilities (see paragraph VII.B). Medical costs that are subject to reimbursement under TRICARE will initially be borne by Post.

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c. NSU personnel are responsible for requesting payment of their dependents' dental bills for care received in the U.S. under the applicable military family dental care program. NSU personnel are responsible for all bills for dependent dental care received overseas. The military dependent dental plan will only cover care received within the U.S. It is imperative that family members receive all non-emergency or routine dental care prior to travelling overseas and/or during leave periods taken in the U.S.

d. If no emergency dental care can be obtained locally, dependents are authorized travel to the nearest suitable military facility. DOS/MED will fund transportation costs.

e. DOS/MED will fund transportation costs for medical evacuations (for emergencies, pregnancies, etc.) from the same source as that used for DOS personnel.

f. Members may elect to utilize local medical facilities of their own choice for dependents. The member may apply for financial assistance through TRICARE in such circumstances.

VIII. ADMINISTRATION, IMPLEMENTATION, AND TERMINATION

A. This MOA will enter into force upon signature of both parties.

B. Both parties will conduct a review, no less frequently than triennially, of the continuing applicability of the MOA and make changes as required. Proposed changes will become effective only after mutually agreed upon in writing.

C. This MOA shall be terminated six calendar years from the date of the last signature or upon 30 days' advance written notice by either party. Termination initiated by the Department of the Navy shall be coordinated in accordance with DoD Directive S-5210.36.

For the Department of State,
/s/ David G. Carpenter
David G. Carpenter
Assistant Secretary
Bureau of Diplomatic Security
Date: May 22, 2002

For the Department of the Navy,
/s/ Michael R. Johnson
Commander,
Naval Facilities Engineering Command
Date: 17 Oct 02

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Annex A
MEMORANDUM OF UNDERSTANDING
BETWEEN THE DEPARTMENT OF STATE AND
THE DEPARTMENT OF THE NAVY
CONCERNING THE USE OF NAVAL SUPPORT
UNIT PERSONNEL ASSIGNED TO THE
DEPARTMENT OF STATE'S SECURITY
PROGRAM

(TL:DS-84; 10-30-2002)

This portion of the MOU is classified and, therefore, not included with this exhibit. If you require additional information regarding this section, contact DS/IST/STO.