

material, and execute a Security Termination Statement. This statement shall include:

(1) An acknowledgment that the individual has read the appropriate provisions of the Espionage Act, other criminal statutes, DoD regulations applicable to the safeguarding of classified information to which the individual has had access, and understands the implications thereof;

(2) A declaration that the individual no longer has any documents or material containing classified information in his or her possession;

(3) An acknowledgement that the individual will not communicate or transmit classified information to any unauthorized person or agency; and

(4) An acknowledgement that the individual will report without delay to the FBI or the DoD Component concerned any attempt by any unauthorized person to solicit classified information.

(b) When an individual refuses to execute a Security Termination Statement, that fact shall be reported immediately to the security manager of the cognizant organization concerned. In any such case, the individual involved shall be debriefed orally. The fact of a refusal to sign a Security Termination Statement shall be reported to the Director, Defense Investigative Service who shall assure that it is recorded in the Defense Central Index of Investigations.

(c) The security termination statement shall be retained by the DoD Component that authorized the individual access to classified information for the period specified in the Component's record retention schedules, but for a minimum of 2 years after the individual is given a termination briefing.

Subpart L—Foreign Government Information

§ 159a.75 Classification.

(a) *Classification.* (1) Foreign government information classified by a foreign government or international organization of governments shall retain its original classification designation or be assigned a U.S. classification designation that will ensure a degree of

protection equivalent to that required by the government or organization that furnished the information. Original classification authority is not required for this purpose.

(2) Foreign government information that was not classified by a foreign entity but was provided with the expectation, expressed or implied, that the information, the source of the information, or both, are to be held in confidence must be classified by an original classification authority. The two-step procedure for classification prescribed in § 159a.15(c) does not apply to the classification of such foreign government information because E.O. 12356 states a presumption of damage to the national security in the event of unauthorized disclosure of such information. Therefore, foreign government information shall be classified at least Confidential, but higher whenever the damage criteria of § 159a.11 (b) or (c) are determined to be met.

(b) *Duration of Classification.* (1) Foreign government information shall not be assigned a date or event for automatic declassification unless specified or agreed to by the foreign entity.

(2) Foreign government information classified by the Department of Defense under this or previous regulations shall be protected for an indefinite period (see § 159a.77(e)).

§ 159a.76 Declassification.

(a) *Policy.* In considering the possibility of declassification of foreign government information, officials shall respect the intent of this regulation to protect foreign government information and confidential foreign sources.

(b) *Systematic Review.* When documents containing foreign government information are encountered during the systematic review process they shall be referred to the originating agency for a declassification determination. Consultation with the foreign originator through appropriate channels may be necessary before final action can be taken.

(c) *Mandatory Review.* Requests for mandatory review for declassification of foreign government information shall be processed and acted upon in accordance with the provisions of

§ 159a.26, except that foreign government information will be declassified only in accordance with the guidelines developed for such purpose and after necessary consultation with other DoD Components or government agencies with subject matter interest. When these guidelines cannot be applied to the foreign government information requested, or in the absence of such guidelines, consultation with the foreign originator through appropriate channels normally should be effected prior to final action taken on the request. When the responsible DoD Component is knowledgeable of the foreign originator's view toward declassification or continued classification of the types of information requested, consultation with the foreign originator may not be necessary.

§ 159a.77 Marking.

(a) *Equivalent U.S. Classification Designations.* Except for the foreign security classification designation RESTRICTED, foreign classification designations, including those of international organizations of governments, that is, NATO, generally parallel U.S. classification designations. A table of equivalents is contained in Appendix A to this part.

(b) *Marking NATO Documents.* Classified documents originated by NATO, if not already marked with the appropriate classification in English, shall be so marked. Markings required under § 159a.34(c) shall not be placed on documents originated by NATO. Documents originated by NATO that are marked RESTRICTED shall be marked with the following additional notation: "To be safeguarded in accordance with USSAN Instruction 1-69" (see DoD Directive 5100.55).

(c) *Marking Other Foreign Government Documents.* (1) If the security classification designation of foreign government documents is shown in English, no other classification marking shall be applied. If the foreign classification designation is not shown in English, the equivalent overall U.S. classification designation (see Appendix A to this part) shall be marked conspicuously on the document. When foreign government documents are marked with a classification designation hav-

ing no U.S. equivalent, as in the last column of Appendix A to this part, such documents shall be marked in accordance with paragraph (c)(2) of this section.

(2) Certain foreign governments use a fourth classification designation as shown in the last column of Appendix A to this part. Such designations equate to the foreign classification RESTRICTED. If the foreign government documents are marked with any of the classification designations listed in the last column of Appendix A to this part, no other classification marking shall be applied. In all such cases, the notation, "This classified material is to be safeguarded in accordance with DoD 5200.1-R or DoD 5220.22-M," shall be shown on the face of the document.

(3) Other marking requirements prescribed by this Regulation for U.S. classified documents are not applicable to documents of foreign governments or international organizations of governments.

(d) *Marking of DoD Classification Determinations.* Foreign documents containing foreign government information not classified by the foreign government but provided to the Department of Defense in confidence shall be classified as prescribed in § 159a.75(a)(2) and marked with the appropriate U.S. classification.

(e) *Marking of Foreign Government Information in DoD Documents.* (1) Except where such markings would reveal that information is foreign government information when that fact must be concealed, or reveal a confidential source or relationship not otherwise evident in the document or information, foreign government information incorporated in DoD documents shall be identified in a manner that ensures that such information is not declassified prematurely or made accessible to nationals of a third country without consent of the originator. This requirement may be satisfied by marking the face of the document "FOREIGN GOVERNMENT INFORMATION," or with another marking that otherwise indicates that the information is foreign government information, and by including the appropriate identification in the portion or paragraph classification markings, for example, (NS) or