

12 FAM 270

SECURITY REPORTING REQUIREMENTS

(CT:DS-149; 09-15-2009)
(Offices of Origin: DS/SI and DS/DO/ICI)

12 FAM 271 GENERAL

(CT:DS-143; 02-12-2009)

- a. A national security clearance that is maintained in good standing and can be transferred to another U.S. Government agency prima-facie is a requirement for most Department of State positions and, for those personnel, is considered a condition of continued employment. Therefore, cleared employees and contractors must keep the Department informed of events listed in this subchapter that may affect their eligibility for a national security clearance as they occur.
- b. The following sections outline security-related issues Department employees must report to the Bureau of Diplomatic Security (DS). While this policy is addressed explicitly to employees, cleared contractors working at Department locations and at their own facilities are also required by contract and virtue of holding a security clearance to abide by these standards and reporting requirements.
- c. The reporting obligations detailed in this policy are not exclusive or exhaustive. As a general matter, employees and contractors must cooperate with DS in investigating matters bearing on their eligibility for a security clearance or suitability for employment. To the extent that DS identifies a specific security concern regarding an employee or contractor, DS may discuss an issue that may not otherwise be required as reportable under this policy.
- d. Failure of an employee or contractor to report information required by this policy may result in the initiation of an appropriate investigation, immediate suspension (which may result in a proposal for revocation) of the employee's security clearance, and/or disciplinary action. Failure of a contractor to report information required by this policy may also result in that contractor's temporary or permanent removal from performance on a Department classified contract.
- e. Employees and contractors granted access to sensitive compartmented information (SCI) have additional reporting requirements under the Director of Central Intelligence Directive (DCID) 6/4 (see requirements

found in Department Notice Number 2004_09_099, September 28, 2004). You should direct all inquiries concerning those reporting requirements and reporting channels to the Director, Office of Information Security, Special Security Office (DS/SI/SSO), at DS_SSO@state.gov.

12 FAM 272 REPORTING ADVERSE FINANCIAL SITUATIONS AND CERTAIN ARRESTS

(CT:DS-143; 02-12-2009)

- a. Employees should use good judgment and discretion in recognizing and avoiding situations and/or behavior that would call into question their judgment, reliability, and trustworthiness to safeguard information and to hold a position of trust and responsibility.
- b. Employees must immediately report information of a potentially derogatory nature to the Director, Office of Personnel Security and Suitability (DS/SI/PSS) concerning their:
 - (1) Wage garnishments, credit judgments, repossessions, tax liens, bankruptcies, and/or intentions to file for bankruptcy; or
 - (2) Adverse involvement with law enforcement agencies to include:
 - (a) Arrests, other than minor traffic violations, for which a fine or forfeiture of \$150 or more was imposed; or
 - (b) Arrests for “driving under the influence” or “driving while intoxicated.”
- c. Arrests must be reported in a timely fashion (i.e., within 72 hours) and must not be delayed pending the conclusion of any judicial action.
- d. Employees with information they believe may have a bearing on another individual’s eligibility for access to classified information, as listed in 12 FAM 233.2, should report that information to the Director, DS/SI/PSS.
- e. Reporting pursuant to this section should be in writing and directed to the Director, DS/SI/PSS, and may be either faxed to (571) 345-3191 or sent by mail to DS/SI/PSS, Attn: Director, 11th floor, SA-20. Reports may also be emailed to DSDirectorPSS@state.gov.
- f. Cleared contractors must report information listed in paragraphs b, c, and d of this section to the Industrial Security Division (DS/IS/IND). See 12 FAM 576.4 for additional adverse information reporting requirements.

12 FAM 273 REPORTING DUAL CITIZENSHIP OR INTENT TO BECOME A DUAL CITIZEN

(CT:DS-143; 02-12-2009)

- a. While U.S. citizenship is a basic eligibility requirement for a security clearance, it does not automatically confer the right to a security clearance. DS must consider dual citizenship as a factor in adjudicating a request for a national security clearance. Dual citizenship is considered in context with other circumstances in an individual's background, which is often referred to as the "whole person" concept.
- b. Current cleared employees contemplating applying for citizenship with a foreign country must report to DS/SI/PSS when any act is initiated in furtherance of obtaining foreign citizenship.
- c. Current cleared contractors contemplating applying for citizenship with a foreign country must report this fact to their contracting officer's representative (COR) when any act is initiated in furtherance of obtaining foreign citizenship.
- d. Applicants for initial security clearances must report dual citizenship status or their contemplated application for citizenship of a foreign country when they submit their applicable security forms.

12 FAM 274 REPORTING CERTAIN CONTACTS WITH FOREIGN NATIONALS

(CT:DS-143; 02-12-2009)

- a. Employees and contractors are responsible for using sound judgment when entering into relationships with foreign nationals and seeking advice or counsel from DS/SI/PSS, the regional security office (RSO), or the Office of Investigations and Counterintelligence, Counterintelligence Division (DS/ICI/CI) (as appropriate) concerning those relationships. Employees must maintain an awareness of the applicability of security concerns regarding foreign relationships which involve the potential for influence or pressure to act contrary to the national security or foreign relations interests of the United States.
- b. Bonds of affection or obligation may result from such relationships, and DS must carefully consider such potential bonds in evaluating the possible impact of information of security concern, as established by the national security adjudicative guidelines, on the individual's security clearance eligibility. If these relationships are not otherwise reportable, DS may still seek to discuss them with an employee or contractor to the extent

that there is a specific security concern on DS's part, and employees and contractors have a duty to answer DS's questions.

12 FAM 274.1 Authorities

(CT:DS-143; 02-12-2009)

- a. Title I of Public Law 99-399, the Omnibus Diplomatic Security and Antiterrorism Act of 1986, as amended, codified at 22 U.S.C. 4801 et seq.
- b. Presidential Decision Directive of August 5, 1993 entitled, "Security Awareness and Reporting of Foreign Contacts" (PDD/NSC-12).

12 FAM 274.2 Reporting Foreign National Contacts

(CT:DS-143; 02-12-2009)

- a. The Department's policy on counterintelligence contact reporting is fully articulated in 12 FAM 262. This excerpt of salient points is provided in 12 FAM 270 only as a reference to sensitize the reader to those reporting requirements pertaining to foreign national relationships outside the realm of cohabitation and marriage. Implementation, application, and management responsibilities concerning the Department's counterintelligence contact reporting program are fully outlined in 12 FAM 262.
- b. Reporting contacts with foreign nationals under specific circumstances outlined in 12 FAM 262 provides the Department with an early warning mechanism for protecting the security of the United States by identifying situations involving possible foreign intelligence activities directed against its employees and information. However, the Department must recognize its requirement to ensure the privacy of employees and their freedom of association.
- c. The term "contact" means all manner of personal or impersonal communication and includes, but is not limited to, written, telephonic, electronic mail, text messaging, chat room discussion, facsimile, wire, and amateur radio.
- d. This policy seeks to ensure that security risks to persons or to the U.S. Government are identified at the earliest possible opportunity and deterred, and that protective steps are taken to avoid compromise of U.S. employees and national security interests. This policy is not intended to limit or impair professional or personal contacts. Employees must be considered partners in the implementation and management of this regulation.
- e. All employees and contractors must report:

- (1) Unofficial contact with a national from a country with critical human intelligence threat (HUMINT) posts listed on the Department's Security Environment Threat List (SETL), which can be accessed on the DS Source Web page, if the employee and/or critical threat foreign national suggest, agree to, or actually have a second meeting after an initial encounter;
 - (2) Contact and/or association with persons or organizations who the employee knows or suspects advocate the unlawful overthrow of the U.S. Government. This reporting requirement includes, but is not limited to, persons who the employee knows or suspects is a member or supporter of foreign terrorist organizations (FTOs) as designated by the Secretary of State (see the list of FTOs);
 - (3) Unofficial contact with a person who the employee knows or suspects is a member of a foreign intelligence agency, regardless of nationality;
 - (4) Illegal or unauthorized access is sought to classified or otherwise sensitive information; or
 - (5) When the employee is concerned that he or she may be the target of actual or attempted exploitation by a foreign entity.
- f. Reports generated as a result of requirements described in 12 FAM 274 and further clarified in 12 FAM 262 must be filed with the RSO abroad or DS/ICI/CI domestically.

12 FAM 275 REPORTING COHABITATION WITH AND/OR INTENT TO MARRY A FOREIGN NATIONAL

(CT:DS-145; 04-07-2009)

(Uniform State/BBG (see MOA V-480)/USAID (see ADS 566.3.8)/Commerce/Agriculture)

- a. The decision to cohabit with or marry a foreign national may have consequences for the employee's future assignments, access to classified information, and even continued employment if the spouse or cohabitant works for a foreign government or an instrumentality of a foreign government, or if access to classified information is curtailed. The employee must seek and the Department must counsel employees about the possible consequences of cohabitation or marriage with a foreign national.
- b. This policy outlines and indicates:

- (1) When an employee must provide notice of an intended or established cohabitation relationship;
- (2) To whom the notification should be provided;
- (3) The information about the intended cohabitant or spouse that needs to be furnished;
- (4) The nature and purpose of the Department's background investigations; and
- (5) Details about who provides counseling and what it should cover.

12 FAM 275.1 Policy

(CT:DS-145; 04-07-2009)

(Uniform State/BBG/USAID (see ADS 566.3.8)/Commerce/Agriculture)

- a. Cleared employees and contractors, regardless of their duty location, must inform the Department in writing at least 90 days prior to the expected date of the marriage to a foreign national. Notification points of contact, which depend on the individual's particular employment status, are found in 12 FAM 275.2 b along with a list of security documentation required to process the request.
- b. Marriage to a U.S. citizen requires no special coordination or notification outside the routine administrative requirements. Cohabitation with a U.S. citizen requires no notice, except that permission is required for any cohabitant to occupy U.S. Government-provided housing as outlined in 3 FAM 4180. Intent to cohabit with or marry a U.S. citizen who is also a citizen of a foreign nation (i.e., a dual citizen) will be processed under the provisions outlined for foreign nationals.
- c. Domestically, employees and contractors must notify the points of contact listed in 12 FAM 275.2 b within 30 days from the start of a cohabitation relationship with a foreign national. Employees and contractors will then have to furnish the information about the foreign national outlined in 12 FAM 275. Employees and contractors do not need advance permission from the Department to cohabit with a foreign national domestically, and do not need to provide any notice of cohabitation with a U.S. citizen.
- d. When posted abroad, an employee or contractor must obtain prior approval from the chief of mission (COM) or principal officer (PO) prior to beginning to cohabit with a foreign national or a U.S. citizen in U.S. Government-provided housing. Seeking approval to cohabit in U.S. Government-provided housing is separate and distinct from declaring a member of household (MOH) to the COM pursuant to 3 FAM 4181. An appropriate investigation by the RSO and approval to cohabit at post is

required to protect the safety of the post community and facilities. Subsequent to the COM approval, the Office of Personnel Security and Suitability (DS/SI/PSS) must also make a determination as to whether the cohabitation arrangement will affect the sponsoring employee or contractor's eligibility for continued access to national security information. That determination is supported by a much more in-depth background investigation.

- e. Cohabitation is defined as sharing a living unit, such as a house or apartment, on a frequent and regular basis, while employed by the Department, without regard to the nature of any interpersonal relationship or reason for sharing living quarters. This includes, but is not limited to, minor children, roommates, and foreign exchange students. MOHs, as defined in 3 FAM 4180, are cohabitants.
- f. When evaluating the suitability of an employee for assignment to a critical HUMINT Threat post under 12 FAM 263.3-2, DS will consider a cohabitant to the same extent it would a family member or MOH. Employees should be aware that assignment restrictions may be imposed based on prudent counterintelligence and foreign influence concerns.
- g. Regardless of duty location, DS must conduct appropriate foreign indices checks on the intended foreign national cohabitant/spouse. Mandatory security requirements for the request and/or approval of cohabitation arrangements with or marriage to a foreign national are found in 12 FAM 275.2. Mandatory security requirements for U.S. citizen MOHs are found in 12 FAM 442 b.
- h. Failure of an employee or contractor to provide the required notification/approval of cohabitation with or marriage to a foreign national may result in the initiation of an appropriate investigation, immediate suspension (which may result in a proposal for revocation) of the employee's security clearance, and/or disciplinary action. Failure of a contractor to report cohabitation with or marriage to a foreign national may also result in that contractor's temporary or permanent removal from performance on a Department classified contract.

12 FAM 275.2 Notification and Security Package Requirements

(CT:DS-145; 04-07-2009)

(Uniform State/BBG (see MOA V-480)/ USAID (see ADS 566.3.8)/Commerce/Agriculture)

- a. For guidance in those instances where a previously approved cohabitation arrangement has resulted in marriage to the same foreign national,

contact the Office of Personnel Security and Suitability (DS/SI/PSS) for a determination as to whether submission of an additional “intent to marry” package is warranted. Based on the DS/SI/PSS assessment of factors such as country of origin, current citizenship status, and time lapsed since previous investigation, a determination will be made whether to conduct a limited re-investigation. Generally, no duplicative investigative efforts will be undertaken; however, the requirements for each case will be evaluated on an individual basis.

- b. The employee or contractor’s employment status, the citizenship of the cohabitant/intended spouse, and the duty location of the employee or contractor are all factors in determining the proper point of contact to whom the notice of an intent to cohabit or marry should be directed (i.e., the “notification point of contact”). Notification for each separate category of employee or contractor will occur with the listed points of contact as follows:
 - (1) Foreign Service employees serving abroad must notify their management officer;
 - (a) For Commerce: Notify the Office of Foreign Service Human Resources (OFSHR);
 - (b) For BBG: Notify the Office of Human Resources (OHR).
 - (2) Foreign Service employees assigned domestically must notify their servicing career development officer (CDO);
 - (a) For Commerce: Notify OFSHR and career development and assignments staff (CDAS);
 - (b) For BBG: Notify OHR.
 - (3) Civil Service employees, personal service contractors (PSC), and when actually employed (WAE) annuitants must notify their bureau executive director domestically, or management officer if serving abroad; or
 - (4) Commercial contractors must notify their Department COR. CORs will ensure timely preparation and submission of intent to marry packages, which must be forwarded to the Industrial Security Division (DS/IS/IND) for submission to DS/SI/PSS.
- c. The point of contact will provide the employee or contractor with a security packet that requests the following additional information:
 - (1) Written notification of his or her intent to marry/cohabit with a foreign national;
 - (2) Forms SF-85-P, Questionnaire for Public Trust Positions, and SF-85-P-S, Supplemental Questionnaire for Selected Positions, completed

- by intended spouse. If the intended spouse/cohabitant possesses a valid U.S. Government-issued social security number, the human resource officer (HRO) will initiate the intended spouse/cohabitant in e-QIP. If not, the intended spouse/cohabitant will complete the Form SF-85-P in hardcopy;
- (3) Family biographical sketch of the intended spouse/cohabitant - including living parents, siblings, grandparents, aunts/uncles, and the date and place of birth, address, occupation, employer name and address for each; and
 - (4) A certified copy of divorce decree (translated into English) or other evidence of termination of any former marriage of employee or the foreign national fiancé.
- d. Upon receipt of the security packet, the employee must immediately complete and return/provide them promptly (normally within 10 days). Abroad, copies of these forms, or documents, are given to the regional or post security officer so the officer may immediately conduct the local security investigation.
- (1) For Commerce: Security packet should be submitted to OFSHR.
 - (2) For BBG: Security packet should be submitted to the Office of Human Resources (OHR) in Washington.

12 FAM 275.3 Bureau and Post Management Responsibility

(CT:DS-145; 04-07-2009)

(Uniform State/BBG/USAID/Commerce/Agriculture)

- a. Receiving cohabitation and marriage notifications and supporting documentation, investigation as required, and initial counseling for a cohabitation or marital relationship is a shared responsibility that requires close coordination within and among various administrative, management, and security offices.
- b. The notification point of contact, identified in 12 FAM 275.2 b, will receive the notification and assist in the completion of the appropriate administrative and security documentation to process the request. The COM, CDO, or bureau executive director, as appropriate, will initially counsel the individual on the potential impact the relationship may have on the individual's continued access to national security information, career, and continued service, etc., and provide the HRO with:
 - (1) A memorandum of counseling;
 - (2) The acknowledgement of security counseling executed by the

employee/contractor; and

- (3) A request for continued SCI access, if appropriate. (See 12 FAM 275.3-1.)
- c. Within 10 business days of the receipt, the notification point of contact should forward the original copy of the completed packet to:
- (1) For State employee and contractor personnel: DS/SI/PSS, Attn: Routing Station, 10th Floor, SA-20;
 - (2) For USDA/FAS personnel: Compliance, Security and Emergency Planning Division (CSEPD) to be found: USDA/Foreign Agricultural Service, STOP: 1061, Attn: CSEPD/FAS Security Officer, 1400 Independence Ave, SW, Washington, DC 20250-1061;
 - (3) For USAID personnel: Office of Security (USAID/SEC);
 - (4) For Commerce: OFSHR, Room 3224, Washington, DC 20230;
 - (5) For BBG: OHR, Rm. 1543, 330 Independence Ave, SW, Washington, DC 20237
- d. The following matrix depicts the responsibilities and required flow of the notification package for Department and other agency employees and contractors:

Employee Type	Notification Point of Contact	Counseling Officer	Supporting Security Office	Notification Point of Contact forwards packet to:
Foreign Service assigned abroad	Post Management Officer	Chief of Mission	RSO/PSO	DS/SI/PSS, Attn: Routing Station, 10th Floor, SA-20
Foreign Service assigned domestically	HR/CDA	HR/CDA	DS/SI/PSS	DS/SI/PSS, Attn: Routing Station, 10th Floor, SA-20
Civil Service, Personal Service Contractors, and WAEs	Bureau HR Specialist	Bureau Executive Director	DS/SI/PSS	DS/SI/PSS, Attn: Routing Station, 10th Floor, SA-20
Commercial Contractors	Department Contracting Officer's	Department Contracting Officer's	DS/SI/IND	DS/IS/IND, 13th Floor, SA-20

	Representative	Representative		
USDA/FAS	Post Management Officer	Principal Officer	RSO/PSO	CSEPD/FAS
USAID assigned abroad	Post Management Officer	Principal Officer	RSO/PSO	USAID/SEC
USDOC assigned abroad	Post Management Officer	Chief of Mission/ Senior/Principal Commercial Officer	USDOC, Office of Security	OFSHR, Room 3224, Dept of Commerce, Washington, DC 20230
BBG	Principal Officer at Post/Office of Human Resources	Principal Officer/Office of Human Resources	BBG, Office of Security	OHR, Rm. 1543 330 Independence Ave, SW Washington DC 20237
Other agency Foreign Service assigned abroad	Post Management Officer	Principal Officer	RSO/PSO	As directed by the senior agency manager at post

12 FAM 275.3-1 Initial Counseling

(CT:DS-145; 04-07-2009)

(Uniform State/BBG/USAID/Commerce/Agriculture)

- a. Domestically, within three days of receipt of the individual’s notification, the designated COR, CDO, or bureau executive director, as appropriate, will interview and counsel the employee on points 1 thru 4 listed in paragraph b below. At posts abroad, the COM will provide the counseling. The regional security officer will assist in areas of security-related issues and concerns. Domestically, DS/SI/PSS and bureau security officers, where assigned, will assist in security-related aspects.
- b. The counseling officer will, at the time of this discussion, supply the employee with the necessary forms to be transmitted to Washington. The points to be covered, as applicable, are:
 - (1) The effect the marriage/relationship/cohabitation might have on the employee’s career or future assignments in the Service/Department;

- (2) Employee's continued effectiveness in representing the United States;
 - (3) Continued employment of the employee, if the spouse/intended spouse, cohabitant, or partner in the relationship is employed by a foreign government or an instrumentality of a foreign government; and
 - (4) Issues that might arise in regard to the employee/contractor's continued eligibility for access to classified material and special accesses.
- c. The attachment portion of 12 FAM Exhibit 12 FAM 275.3-1 contains relevant security-related topics used in evaluating whether continued eligibility for a security clearance is clearly consistent with the interests of national security. The base memorandum serves as a guide for initial security clearance-related counseling and, when executed, should be forwarded as an official record of that portion of the required counseling pertaining to item (4) above.
- d. The counseling officer must prepare a separate memorandum of conversation summarizing the discussion between that officer and the employee/contractor concerning items (1) through (3) above. The memorandum will be included in the security package and should indicate that all matters outlined in this section were discussed, if applicable, and made known to the employee.
- e. If the employee/contractor currently holds SCI access, the counseling officer must submit a request to the Assistant Secretary for the Intelligence and Research Bureau, who is the Senior Official of the Intelligence Community (SOIC), for a waiver to the DCID 6/4 requirement that immediate family members be U.S. citizens, along with a statement of compelling need if the SCI access is to be retained.

12 FAM 275.3-2 Washington Action on Receipt of the Security Package

(CT:DS-145; 04-07-2009)

(Uniform State/BBG (see MOA V-480)/ USAID (see ADS 566.3.8)/Commerce/Agriculture)

As soon as all investigative efforts are complete and the results are reviewed, DS/SI/PSS will determine the effect the marriage or cohabitation with a foreign national would have on the employee's security clearance. This security determination will be provided to the post/bureau/CDO for preparation of a report to the original counseling official and will contain definitive instructions on the action the counseling officer is to take, based

on the relevant issues of the case. DS/SI/PSS will also provide a copy to the individual concerned.

12 FAM 275.3-3 Final Counseling

(CT:DS-145; 04-07-2009)

(Uniform State/BBG/USAID/Commerce/Agriculture)

Upon receipt of the report specified in 12 FAM 275.3-2, the counseling officer will meet with and advise the employee/contractor of the effect the marriage or cohabitation with the foreign national may have on his or her future assignments, access to classified information, and even continued employment if the spouse or cohabitant works for a foreign government or an instrumentality of a foreign government, or if access to classified information is curtailed.

12 FAM 275.3-4 Appeal Procedures

(CT:DS-145; 04-07-2009)

(Uniform State/BBG/USAID (see ADS 566.3.8)/Commerce/Agriculture)

Employees and contractors whose national security clearances were issued by DS/SI/PSS should refer to the Department's appeal procedures found in 12 FAM 234 in the event the Director of the Diplomatic Security Service (DS/DSS) intends to revoke the individual's security clearance.

12 FAM 275.3-5 Implications of Non-Receipt of a Security Determination for Marriage Plans with a Foreign National

(CT:DS-145; 04-07-2009)

(Uniform State/BBG/USAID/Commerce/Agriculture)

- a. The Department has no intention of preventing or delaying the marriage of one of its employees or contractors to a foreign national; however, by their very nature, background investigations of foreign nationals can take considerable time. Having met the obligation to notify the Department and submit pertinent information, an employee does not need Department "permission" to proceed with his or her marriage plans.
- b. The employee or contractor should contact the DS/SI/PSS Customer Service Center to determine the status of the background investigation if they have not received any notification within 90 days of furnishing all the information required for the investigation. If the Department has not reached a determination at that time concerning the effect the marriage to the foreign national might have on the employee or contractor's access

to classified information, future assignments, and continued service, the employee or contractor is free to make a risk-managed decision as to whether to proceed with the marriage based on his or her careful review of the national security adjudicative guidelines.

12 FAM 276 REPORTING PERSONAL TRAVEL TO CRITICAL HUMAN INTELLIGENCE THREAT COUNTRIES

(CT:DS-149; 09-15-2009)

- a. The Department's policy on personal travel to critical HUMINT threat countries is fully articulated in 12 FAM 264. This excerpt of salient points is provided in 12 FAM 270 only as a reference to sensitize the reader to those reporting requirements. These standards, which were cleared by the Overseas Security Policy Board (OSPB), apply to all Department employees and contractors, domestically and, those employees of agencies under the authority of a chief of mission (COM), abroad. Implementation, application, and management responsibilities concerning this policy are further outlined in 12 FAM 264.
- b. The requirements govern personal travel to countries with a critical HUMINT threat post and to certain countries with which the United States does not have diplomatic relations, which are both listed in the SETL, regardless of the threat level where the employee is stationed or from where they depart.
- c. The DS Counterintelligence Division (DS/ICI/CI) directly administers this program for Department employees stationed domestically and indirectly through the RSO or the post security officer (PSO) at Foreign Service posts.
- d. All U.S. Government employees under the authority of a COM must notify the RSO or PSO at post of residence in advance of intended personal travel to any country with a critical HUMINT threat post, including travel with tour groups. Employees stationed domestically directly notify DS/ICI/CI. Employees should provide this information at least two weeks prior to travel.
- e. Each employee must provide a notification of personal travel by using the item format contained in 12 FAM 264 Exhibit 264.2. The RSO, PSO, or DS/ICI/CI will retain this information as part of the permanent record.
- f. The RSO, PSO, or DS/ICI/CI will provide pertinent information from the travel notification to U.S. embassies in the countries listed on the itinerary at least one week prior to the traveler's intended departure.

(Use the format given in 12 FAM 264 Exhibit 264.2.) RSOs and PSOs will also provide copies of their communications to DS/ICI/CI and to the security office of the traveler's parent agency.

- g. The RSO, PSO, or DS/ICI/CI, as appropriate, will ensure that each traveler receives a counterintelligence (CI) defensive security briefing prior to their travel.
- h. Travelers must immediately contact the nearest U.S. consul, attaché, RSO, or duty officer if detained or subjected to significant harassment or provocation while traveling. Upon return to post of residence or the Department, the traveler must report any unusual incidents, including those of potential security concerns, to the RSO, PSO, or DS/ICI/CI, as appropriate. RSOs and PSOs will in turn report unusual incidents, detention, harassment, provocation, etc. to DS/ICI/CI, which forwards copies of the reports to the traveler's parent agency.
- i. The Department encourages spouses, *domestic partners as defined in 3 FAM 1610*, and adult dependents of employees to advise the RSO, PSO, or DS/ICI/CI, as appropriate, of their personal travel, and to receive any available CI defensive briefings, especially those at *their* post of residence.

12 FAM 277 THROUGH 279 UNASSIGNED

**12 FAM EXHIBIT 275.3-1
COUNSELING REGARDING COHABITATION
WITH OR MARRIAGE TO FOREIGN
NATIONALS (FORMAT)**

(CT:DS-146 04-30-2009)

(Uniform State/BBG/USAID/Commerce/Agriculture)

SENSITIVE BUT UNCLASSIFIED

TO:

FROM:

SUBJECT: Security Counseling - Cohabitation with or Marriage to Foreign Nationals

It is the Department's policy that, in light of your notification of intent to cohabit with or marry a foreign national, your eligibility for access to national security information and/or special accesses must be reviewed and reassessed. The attached general criteria will be considered as factors bearing on your eligibility to retain your security clearance or eligibility for assignment/continued assignment to specific sensitive duties/posts. Except for the two criteria specifically stated below, these factors will not generally be sufficient individually to be decisive regarding the issue of your continued security clearance eligibility, but will be evaluated in the context of all other factors and available information.

If your intended spouse or cohabitant is (1) a national of a country identified in the current Security Environment Threat List (SETL) as critical for HUMINT Threat (the SETL is available on the classified network via links on the Department's Home page and the DS SOURCE Home page); or (2) employed by a national security-sensitive agency (foreign military, intelligence, or diplomatic service agencies; or under contract to such agencies or to critical HUMINT threat countries), your security clearance may be immediately suspended pending completion of full investigation and evaluation of the foreign national and any areas indicating a potential for vulnerability or conflict of interest. Should that occur, you must be immediately reassigned to duties of low sensitivity, pending final decision on continued eligibility for security clearance.

In the absence of these two criteria, the Department would not normally suspend your security clearance and/or preclude your assignment eligibility for sensitive positions/posts. However, it may choose to do so pending final determination if the information available indicates reason for doubt, that continued clearance is clearly consistent with the interests of national security.

By signing this memorandum, you are attesting that you have been counseled and understand the possible implications to your eligibility to retain your security clearance or eligibility for assignment/continued assignment to specific sensitive duties/posts.

Employee/contractor's signature

Counseling official's signature

Attachment: As stated

ATTACHMENT

GENERAL SECURITY CRITERIA

REGARDING COHABITATION WITH OR

MARRIAGE TO FOREIGN NATIONALS

Favorable Criteria

Fiancée/spouse/partner/cohabitant:

- (1) Is an employee of the U.S. Government/business;
- (2) Is a former/present resident of the United States;
- (3) Has relatives in the United States (or similar ties);
- (4) Intends to become naturalized as soon as possible; or
- (5) Intends to formally renounce non-U.S. ties.

Unfavorable Criteria

a. Fiancée/spouse/partner/cohabitant is a national of a critical HUMINT threat country and:

- (1) Is a present or former military/diplomatic/intelligence service (or other government/opposition party) employee;
- (2) Is a present or former member of the Communist Party;
- (3) Has relatives who work for the government in the native country;
- (4) His/her close relatives remain in the native country;
- (5) Maintains frequent/close ties with foreign national relatives/friends;
or
- (6) Has no intention to become naturalized and/or maintains a criteria country citizenship.

b. Fiancée/spouse/partner/cohabitant is a national of a non-critical HUMINT threat criteria country and:

- (1) Is an employee of military/diplomatic/intelligence service, or other government/opposition party position;
- (2) Is an employee of a critical HUMINT threat country government/contractor;
- (3) Maintains ties to a critical HUMINT threat country or Communist Party (personal or family ties);

- (4) Maintains frequent/close ties with relatives/friends in the native country;
- (5) Has no intention to become naturalized and/or maintains a native citizenship;
- (6) His/her relatives are employed by a native government (especially military/diplomatic/intelligence services); or
- (7) Is uncooperative with an investigation or cannot be adequately investigated to enable a security risk/clearance determination.