Defense Security Service

National Interest Determination (NID) Overview

October 11, 2017
Policy

Government Authority

• Part 2004 of Title 32, Code of Federal Regulations


• Directive-type Memorandum (DTM) 15-002, “Policy Guidance for the Processing of National Interest Determinations (NIDs) in Connection with Foreign Ownership, Control, or Influence (FOCI),” February 11, 2015

Industry Authority

Cognizant Authorities

• Defense Security Service (DSS) acts as the Cognizant Security Office for the Department of Defense (DoD), Cognizant Security Agency (CSA)
• DSS will coordinate all National Interest Determinations (NIDs) on behalf of DoD entities; DTM 15-002
• DSS will not coordinate NIDs for the 31 other executive agencies in the National Industrial Security Program (NISP) or for the three other CSAs; DTM 15-002
• The 31 other executive agencies will need to coordinate their NID efforts on their own, but provide a final NID request package to DSS with all approvals and concurrences to update the system of record; DoD Manual 5220.22, Volume 3
National Interest Determination Basics

What is a National Interest Determination
• A NID is a determination that access to proscribed information is consistent with the national security interests of the United States

What is proscribed information
• Top Secret (TS)
• Communications Security (COMSEC)
• Restricted Data (RD)
• Special Access Program (SAP)
• Sensitive Compartmented Information (SCI)

Who makes a NID
• Executive branch departments and agencies
• Government Contracting Activities (GCA)
• *** Defense Security Service DOES NOT make NIDs unless it is the GCA on the contract ***
National Interest Determination Basics

When is a NID Required

- Contractors under a Special Security Agreement (SSA) foreign ownership, control or influence (FOCI) mitigation plan
- Access to proscribed information is required
  - Performance on a new contract
  - Complete pre-contract award actions
  - Existing contracts and contractor has been or in the process of being acquired by foreign interests

What are the categories of NIDs

- Contract-specific
- Project-specific
- Program-specific
- Non-contract, project, or program specific
Complete NID Request Package

What constitutes a complete NID request package submission to DSS

- Submitted to DSS NID Mailbox
- GCA Memo to DSS requesting a NID
- DoD Contract Security Classification Specification (DD-254)
- Statement of Work, Performance Work Statement, or Cooperative Research and Development Agreement (CRADA)
- For SCI access
  - GCA Memo to Office of the Director of National Intelligence (ODNI) requesting SCI access
  - ODNI Checklist
- For COMSEC access
  - GCA Memo to National Security Agency (NSA) requesting COMSEC access
  - COMSEC NID Request Form
- For RD access
  - GCA Memo to Department of Energy (DOE) requesting RD access
DSS Efforts with GCA

What DSS will do for the GCA

- Review NID request package for completeness
- Complete a FOCI assessment on the contractor
- Complete a counterintelligence (CI) Threat Assessment based off the GCA technology or service
- Submit complete NID access requests to Control Agencies
  - ODNI for SCI
  - NSA for COMSEC
  - DOE for RD
- Coordinate requests for information from Control Agencies
- Close-out NID approvals, discontinuances, and denials
- Update system of record with NID information
- Provide GCA with status on NID progress
- Provide GCA with NID checklist and documents to help them submit a complete NID request package
Expectations

What Industry should expect from the NID process

- DSS will coordinate NID efforts with the GCA and Control Agencies
- DSS will discontinue NID request process if GCA does not submit a complete NID request package by timelines identified
- The NID process is a Government-to-Government process
- Contractors should request status about NIDs from their GCA
- As a courtesy, DSS will notify the contractor once a decision has been made regarding the NID

What can contractors do to help the process

- Work with your GCA on helping them submit a NID for your contract
- Notify DSS if prime contractor not allowing contact with the GCA
- Make sure your DD-254 has the correct information and issued to a legal corporate entity
- Allow the process to work
Partnering with Industry to Protect National Security

Timelines

NID Timeline: Start to Finish

1. **Discovery**
   - GCA submits a NID request package to DSS NID Mailbox
   - 0 to 30 days

2. **Analysis and Determination**
   - DSS requests any missing documents; GCA has 30 days to respond
   - 0 to 30 days

3. **Approval and Concurrence**
   - For TS and SAP access, DSS sends proposal to GCA, which has 30 days to respond
   - DSS sends NID to Control Agencies for concurrence decision
   - 0 to 30 days

**Day 1**

- DSS begins analysis on contractor and technology upon receiving complete package
- FOCI and CI Threat assessments complete
- NID reviewed by Enterprise for advancement or notification to GCA on high risk
- DSS notifies all parties of final NID decision and updates system of record