

# Defense Security Service

## National Interest Determination (NID) Overview

October 11, 2017





# Policy

## Government Authority

- **Part 2004 of Title 32, Code of Federal Regulations**
- **DoD Manual 5220.22, Volume 3, “National Industrial Security Program Procedures for Government Activities Relating to Foreign Ownership, Control, or Influence (FOCI), “ April 17, 2014**
- **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

- **DoD 5220.22-M, “National Industrial Security Program Operating Manual,” February 28, 2006**





# Cognizant Authorities

## 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**





# Timelines

## NID Timeline: Start to Finish

