



# GETTING A FACILITY CLEARANCE & CONSIDERING FOCI

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DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY



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# Agenda

A general understanding of the facility clearance (FCL) process, preparing your business for the FCL process, and an understanding of foreign ownership, control, or influence (FOCI)

- Facility Clearance Process Roadmap and Timeliness
- Obtain NCAISS and NISS Accounts
- FCL Lifecycle Discussion
- National Industrial Security Program (NISP) Eligibility Requirements
- Defining FOCI
- FY20 NDAA Section 847
- Contact Us



# Facility Clearance Roadmap

**DAY ONE**  
CLOCK STARTS!  
The FCL Orientation Handbook provides valuable information on the FCL process

**DAY 5-10**  
Review the FCL process videos/Handbook at [www.dcsa.mil](http://www.dcsa.mil) to prepare compiling the FCL package

**DAY 10-20**  
Upload all required documents & forms based on company's business structure into NISS

**DAY 20**  
DCSA reviews company FCL package for completeness and identification of risk

SPONSORSHIP  
SUBMISSION  
AND REVIEW

SPONSORSHIP  
PACKAGE  
ACCEPTED

FCL Process  
Video Review\*

FCL PACKAGE  
UPLOAD

INITIAL FCL  
PACKAGE  
DEADLINE

**DAY 45:**  
KMP PCL  
DEADLINE TO  
SUBMIT



# Obtaining NCAISS and NISS Accounts

## DoD TWO STEP AUTHENTICATION – NCAISS AND NISS

### National Industrial Security Program Contracts Classification System (NCAISS)

The DCSA NCAISS Portal is a web-based application that provides Public Key Infrastructure (PKI)-based authentication services to DCSA applications and information systems for authorized users. Through the NCAISS Portal, an authorized user can access their DCSA NCAISS Portal account via a single sign-on (SSO) capability using PKI certificates (either a Common Access Card (CAC) or DoD-approved External Certification Authority (ECA) certificate).

[https://www.dcsa.mil/is/nisp\\_ncaiss/](https://www.dcsa.mil/is/nisp_ncaiss/)

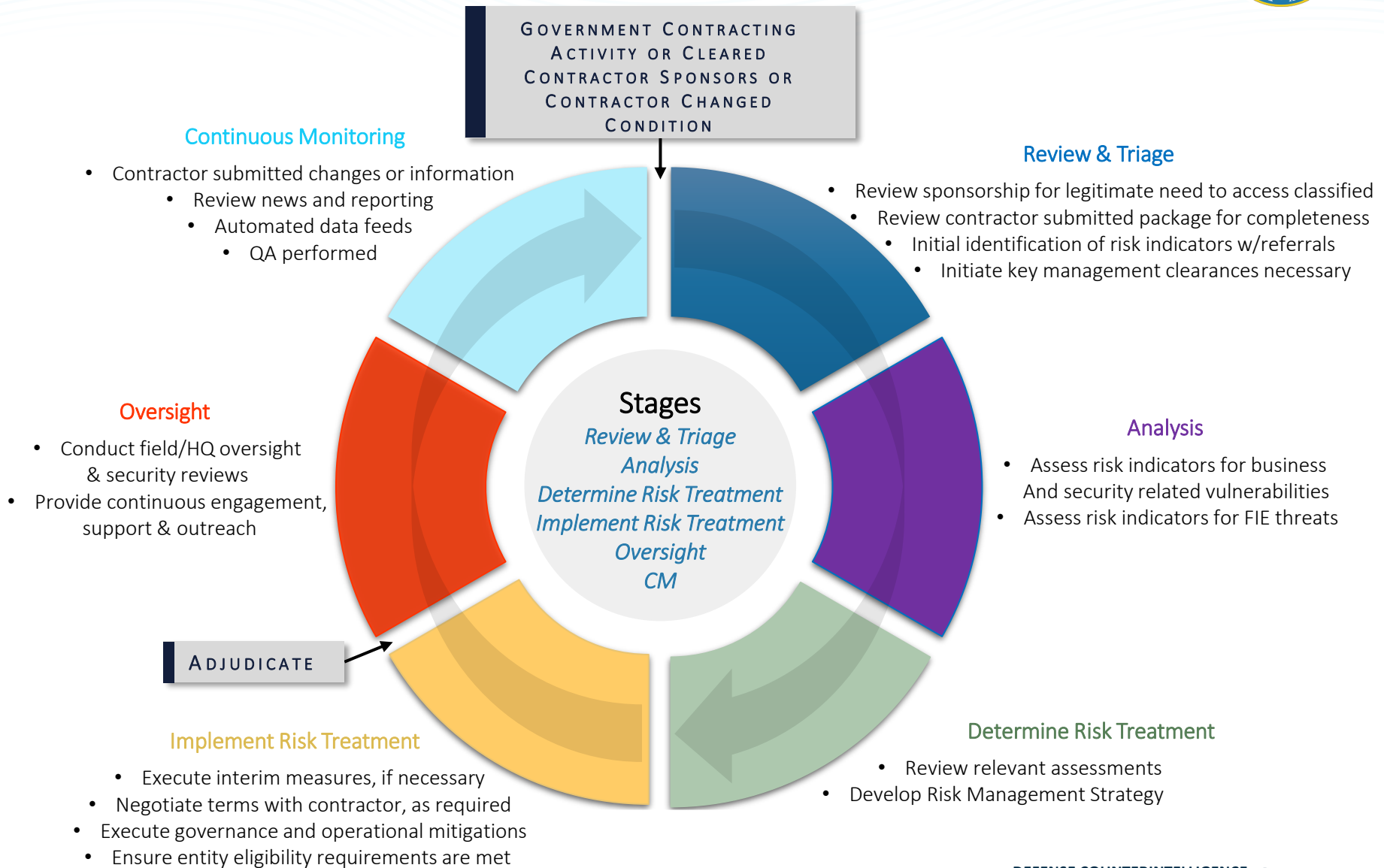
### National Industrial Security System (NISS)

DCSA System of Record for industrial security oversight accessible by Industry, Government, and DCSA personnel. FCL Sponsorship Requests will be made in this system. Once submitted, the FCL Request will be tasked to DCSA Facility Clearance Branch for review. During the review, DCSA VTU will validate the bona fide need to access classified information in the performance of a classified contract and ensure that the request meets policy requirements.

<https://www.dcsa.mil/is/niss/>



# DCSA Facility Clearance Lifecycle





# National Industrial Security Program Requirements

## Eligibility Requirements 32 CFR §117.9(c)

1. Legitimate need to access classified
2. Access consistent with U.S. national security interests
3. Organized & existing in the United States
4. Located in the United States
5. Record of integrity & lawful conduct
6. Eligible Key Management Personnel (KMP)
7. Maintain sufficient KMP for security requirements
8. KMP/business not excluded from federal contracts
9. Not under FOCI to a degree inconsistent with national interest
10. Not pose an unacceptable risk to national security interests
11. Meet any other requirements governing access

## FOCI Factors 32 CFR §117.11(b)

1. Record of espionage against U.S. targets
2. Record of enforcement actions against the entity for unauthorized tech transfer
3. Record of compliance with pertinent U.S. laws, regulations, and contracts
4. Type and sensitivity of classified information
5. Source, nature, and extent of FOCI
6. Nature of relevant bilateral or multilateral security and information agreements
7. Foreign government ownership or control
8. Any other factor that indicates/demonstrates capability of a foreign interest to control or influence operations or management



# Defining FOCI

A U.S. company is considered under FOCI whenever a foreign interest has the power, *direct or indirect, whether or not exercised, and whether or not exercisable* through the ownership of the US company's securities, by contractual arrangements, or other means, to direct or decide matters affecting the management or operations of that company in a manner which may result in unauthorized access to [certain] information or may adversely affect the performance of [certain] contracts. **National Industrial Security Program Operating Manual (NISPOM), 32 CFR § 117.11(a)(1)**

- Cause = foreign interest connection/involvement/targeting
- Effect = (1) unauthorized access or (2) adversely affect performance



## Section 847 – Requirement: DoDI 5205.87

### DoDI 5205.87, “Mitigating Risks Related to Foreign Ownership, Control, or Influence For Covered DoD Contractors or Subcontractors”

- Covered contractor or subcontracts: a company that is an existing or prospective contractor or subcontractor of the DoD on a contract, subcontract, or defense research assistance award with a value exceeding \$5 million.
- Complete case reviews of beneficial ownership and FOCI and provide products to the appropriate PSA or DoD Components
- Oversee implementation of FOCI mitigation measures
- Notify PSA or DoD Components when issues of Changed Conditions or non-compliance arise
- Provide updated case reviews Changed Conditions occur
- Establish and maintain a designated system of record

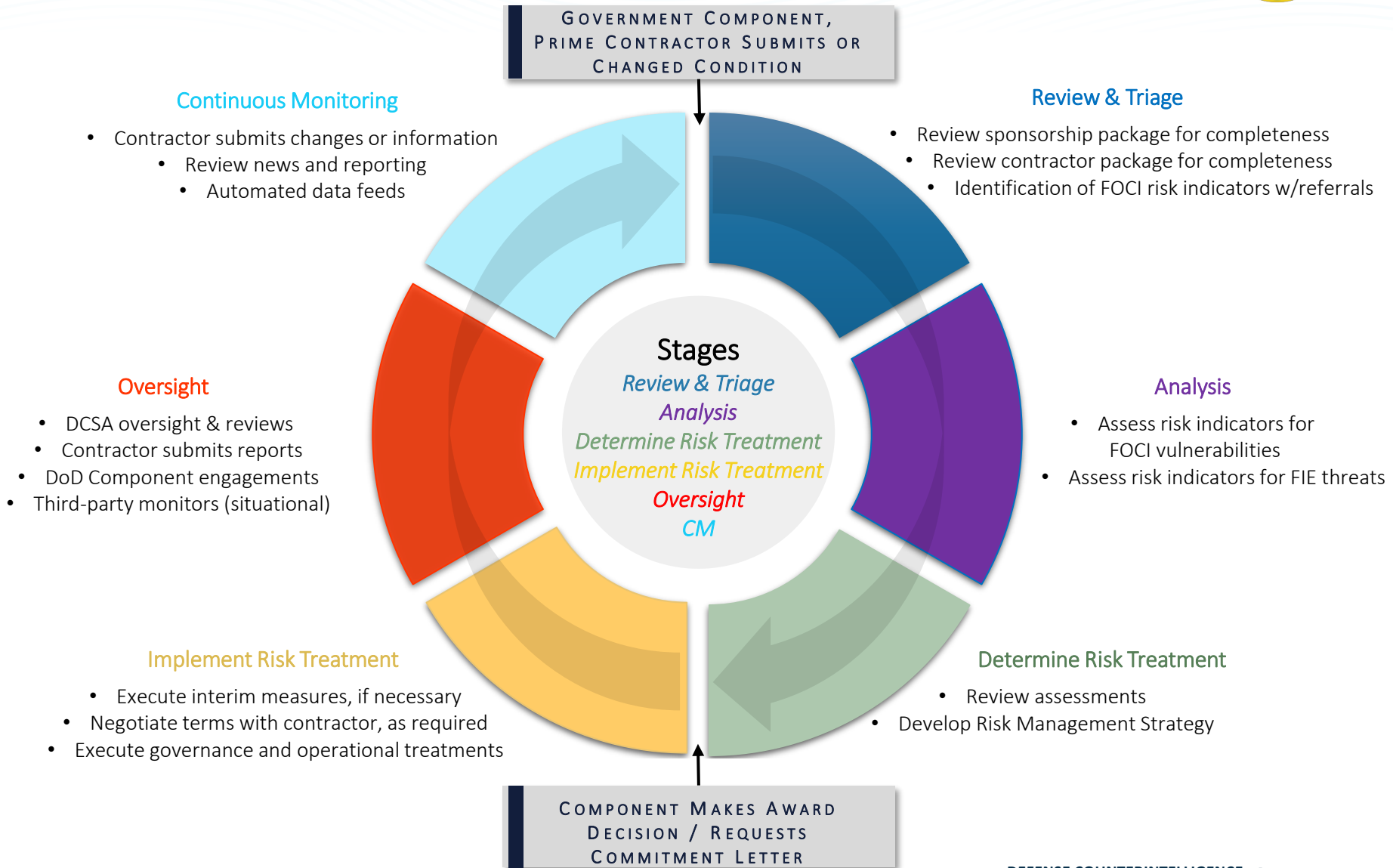
\* Unless carved out

\*\* Commercial contracts exempt



# Section 847 Lifecycle

UNCLASSIFIED



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UNCLASSIFIED



# Information Sharing

[DCSA FCL & FOCI Website](#)

[FCL Orientation Handbook](#)

[National Industrial Security System \(NISS\)](#)

Questions can be directed to the EV Knowledge Center:

- 1-878-274-2000 (Option 2, then 1)
- [dcsa.fcb@mail.mil](mailto:dcsa.fcb@mail.mil)
- [dcsa.quantico.hq.mbx.foci-operations@mail.mil](mailto:dcsa.quantico.hq.mbx.foci-operations@mail.mil)