

Wiley Updates Its Essential DCSA and FOCI Handbook for 2023

February 22, 2023

Washington, DC – Wiley Rein LLP, a preeminent DC law firm, has updated its essential handbook on Foreign Ownership, Control or Influence (FOCI) for 2023. FOCI was established under the National Industrial Security Program (NISP) in 1993 and works to ensure that U.S. government contracts that require access to classified information will not be awarded to companies operating under foreign ownership, control, or influence unless adequate safeguards are in place to protect national security interests.

Wiley partner Tessa Capeloto and senior public policy advisor Nova J. Daly, members of the firm's International Trade and National Security practices, authored the handbook. It provides an overview of FOCI and outlines circumstances under which the Defense Counterintelligence and Security Agency (DCSA) grants security clearances that permit companies and their personnel to perform classified work. Key themes addressed in the handbook include FOCI mitigation instruments, the security review and rating process, and compliance.

The handbook also outlines recent developments in FOCI enforcement, such as:

- DCSA's growth and increased focus on cyber threats;
- The creation of a security clearance bridge pilot program;
- A counterintelligence report on hacking attempts on sensitive or classified information;
- The 2021 rule that made foreign travel a key reportable activity for personnel with access to classified information; and

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Practice Areas

Foreign Ownership, Control or Influence (FOCI)
Government Contracts
International Trade
National Security

- DCSA's strategic goals through 2027.

Through its International Trade, National Security, and Government Contracts practices, Wiley has a well-established reputation in handling DCSA and FOCI matters. The multidisciplinary team provides high-level analysis, specialized advice, and step-by-step assistance to clients in numerous industries including aerospace, defense, intelligence, critical technology, and telecommunications. Wiley also works with U.S. government decision-makers to help craft successful FOCI mitigation instruments, including board resolutions, security control agreements, special security agreements, and complex proxy agreements and voting trusts.

For more information about the updated handbook, please contact Tessa Capeloto (202.719.7586 or tcapeloto@wiley.law) or Nova J. Daly (202.719.3282 or ndaly@wiley.law).