

## Strengthen, Expand, and Diversify Intelligence Community Engagements with and Prioritize Work on Non-State Entities

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**A. AUTHORITY:** The National Security Act of 1947, as amended; Counterintelligence Enhancement Act of 2002, as amended; Executive Order (EO) 12333, as amended; and other applicable provisions of law and policy.

### **B. PURPOSE**

1. This Intelligence Community Directive (ICD) establishes the Intelligence Community's (IC) commitment to engagements with and work on Non-State Entities (NSE) that advance the IC's mission and better posture the IC for the next generation of threats.

2. This Directive establishes in policy the IC's comprehensive, joint effort to routinize and promote NSE engagements across the full range of the IC's work.

3. This Directive acknowledges that NSEs are pivotal to United States (U.S.) national security, and, as the threat landscape has diversified, these partners are essential to maintaining a U.S. advantage in the context of strategic competition.

### **C. APPLICABILITY**

1. This Directive applies to the IC, as defined by the National Security Act of 1947, as amended, and to such other elements of any department or agency as may be designated by the President, or designated jointly by the Director of National Intelligence (DNI) and the head of the department or agency concerned, as an element of the IC.

2. Analytic outreach shall be conducted in accordance with ICD 205, *Analytic Outreach*.

3. This Directive should be read in coordination with ICD 402, *Director of National Intelligence Representatives*, which is implemented through an associated Memorandum of Agreement. This Directive is meant to complement and not supersede the coordination requirements outlined in ICD 402.

4. For the purposes of this Directive:

a. NSEs are U.S. or foreign entities that operate at the sub-national and transnational level and where engagement would advance the IC mission, limited to private industry; academic, research, and scientific institutions; non-profit and non-governmental organizations;



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private standard setting bodies; and state, local, tribal, and territorial governments. NSEs do not include foreign governments.

b. NSE engagement does not include:

(1) Department of Defense (DoD) activities and DoD issuances to support the defense industrial base, to include delegation of authority, as required by statute;

(2) Industry engagement performed by IC elements pursuant to non-intelligence authorities or responsibilities assigned or delegated to them in support of departmental missions;

(3) Sensitive industrial relationships;

(4) Conducting human source recruitment or other clandestine efforts as well as any other Human Intelligence (HUMINT) collection activities, including overt HUMINT collection;

(5) Tasking, either direct or implied, to NSEs to collect information for intelligence purposes;

(6) Formal liaison relationships with foreign intelligence services; and

(7) Contractual agreements (e.g., contracts, grants, cooperative agreements, etc.) involving acquisitions, procurement, and other transaction authorities and processes.

#### **D. POLICY**

1. The IC's ability to leverage and work in concert with a broad set of partners enhances the IC's ability to address the number and diversity of threats to U.S. national security. This network of alliances and partnerships is a strategic asset – and a force multiplier for the IC's intelligence mission.

2. It is crucial for mission execution that IC elements continue to strengthen, expand, and diversify engagements with NSEs in accordance with law and policy.

3. The IC shall adopt a unified, prioritized, coordinated, and consistent NSE engagement approach that aligns with IC priorities and major initiatives and enhances the IC's foundation for strategic relationships.

4. All IC engagement with NSEs shall be conducted in accordance with all applicable law, including the First Amendment, and take into account the need to protect privacy and civil liberties.

5. The IC shall utilize NSE engagements to further the principles of transparency and trust between the IC, NSEs, and the public, while continuing to protect information, especially sources and methods.

6. The IC shall enhance the flow of information to and from NSEs in ways that safeguard national security and mitigate IC risk. IC elements shall:

- a. Prioritize NSE engagements through risk acceptance that encourages and promotes information sharing with NSEs;
  - b. Ensure that the sharing and handling of classified information shall be conducted in accordance with EO 13526, *Classified National Intelligence*, or successor order, and IC policy;
  - c. Consider and manage counterintelligence and security risks;
  - d. Promote maximum IC effectiveness and efficiency; minimize duplication of IC efforts and potential conflicts with other intelligence activities through transparency and a willingness to work on behalf of broad IC objectives;
  - e. Aim to reduce the duplication of effort and undue burden on NSEs;
  - f. Establish or expand engagements with a diverse array of NSEs; and
  - g. Adhere to all applicable laws, regulations, and policies.
7. IC elements shall publish information for NSEs seeking to engage with the IC on IC element unclassified, public-facing websites, including best practices for working with the IC and preferred contact method(s).
- a. IC elements shall not show preferential treatment or provide an unfair competitive advantage to any NSE or individuals associated with an NSE.
8. IC elements shall make use of existing, or create new, collaborative processes that enhance the flow of information between the IC and NSEs in accordance with law and policy, including utilizing:
- a. Products written for release in accordance with ICD 208, *Maximizing the Utility of Analytic Products*, and ICD 209, *Tearline Production and Dissemination*;
  - b. Appropriate access controls, including streamlining and expanding the use of one-time read-ins; and
  - c. Declassification processes, Information Management officials, and/or disclosure officers to speed the clearing of analysis intended for release.
9. The ODNI Office of Partnership Engagement (OPE) shall ensure a unified, coordinated IC approach for NSE outreach, relationship development, and associated knowledge and relationship management.
- a. The OPE shall chair the IC Partnership Council (ICPC), which shall serve as the primary IC forum for the governance and oversight of NSE engagements and partnerships, and develop a charter in accordance with ES 2021-1996, *Intelligence Community Charters*. OPE may establish working groups and other appropriate IC fora, as needed, to support the ICPC, coordinate efforts, and identify best practices.
  - b. IC elements shall designate a partnership/engagement officer to attend the ICPC and OPE-established IC fora to represent their elements' collective equities.

**E. EXPAND UNDERSTANDING OF NSE'S PLANS, INTENTIONS, AND CAPACITY**

1. IC elements shall expand understanding of NSE's plans, intentions, and capacity in accordance with law and policy.

2. IC elements shall facilitate engagements by expanding existing, or developing new, NSE outreach efforts and programs that secure greater access to diverse, qualified NSE perspectives in areas critical to U.S. national security.

3. The National Intelligence Council (NIC) shall encourage broader analytic exchanges with NSEs for obtaining and disseminating information across the IC, while also providing critical insight to policymakers. The NIC, with support, in accordance with law and policy, from IC elements shall:

a. Conduct net assessments focused on the comparative advantages and disadvantages of foreign state and non-state adversaries in critical NSE domains not covered by other federal agencies and departments;

b. Produce IC Assessments (ICAs) to support this work, including on what NSE domains should be prioritized in terms of their national security and strategic importance and on threats from U.S. adversaries to U.S. and other partner NSEs; and

c. Produce publicly available analytic products and assessments for NSEs.

4. The National Intelligence Managers (NIMs) shall provide consistent planning and mobilization of NSE engagements by leveraging existing frameworks, strategies, and communities of interest to develop NSE Sector Engagement Strategies (SES). The SES shall:

a. Align IC priorities and prioritize NSEs for engagement;

b. Include specific, unclassified questions that IC elements may use during engagements to better guide information exchanges;

c. Develop performance indicators to measure and evaluate progress; and

d. Encourage greater awareness of existing, non-sensitive relationships with NSEs to identify outreach efficiencies.

5. The OPE, in coordination with the NIC, shall promote the concept and use of an Analytic Insight Reports (AIRs) format by IC elements to ensure NSE insights are captured and made available to the broader IC. The OPE shall:

a. Issue guidance on the intent, parameters, and dissemination process to the IC;

b. Define AIR standards, including an AIR template, to capture and report information and insights gained from each engagement; and

c. Ensure AIRs effectively inform engagement metrics.

6. IC elements shall make products cleared for use with NSEs and public dissemination visible and accessible for use by other IC elements.

a. At a minimum, IC elements shall disseminate analytic products for discoverability within the Library of National Intelligence (LNI) or successor systems, in accordance with ICD 204, *National Intelligence Priorities Framework*.

b. The OPE, in coordination with the NIC and NIMs, shall identify or establish an IC information hub to share NSE engagement information and best practices.

c. IC elements shall submit engagement information and other disseminated products to the information hub in accordance with law and policy.

d. IC elements shall continuously improve the IC's information hub of cleared products by incorporating NSE feedback. IC elements shall utilize de-briefers to attend NSE engagements and gather feedback.

#### **F. INCREASE ACCESS TO NSE INSIGHT, EXPERTISE, AND TALENT**

1. NSEs have specialized talent, knowledge, and capabilities and are frequently on the forefront of innovation in fields crucial to U.S. national security.

2. The IC shall leverage NSE talent, knowledge, and capabilities to better posture the IC for the next generation of threats in accordance with law and policy.

3. IC elements shall develop and incentivize improved access to and understanding of NSEs' expertise to adopt innovation at the speed of mission.

a. IC elements shall promote as a best practice the inclusion of a performance objective for NSE partnership in performance evaluation reports.

4. The Assistant Director of National Intelligence for Human Capital (ADNI/HC), in coordination with the IC Chief Human Capital Officer (CHCO) Council and the IC Recruiting Committee, shall identify IC-wide talent areas of critical need and develop guidance for IC elements to facilitate, enhance, or increase talent exchange opportunities.

5. The ADNI/HC shall enhance NSE recruitment efforts by:

a. Assessing the feasibility and utility of alternative pay scales as a retention and recruitment tool; and

b. Gathering and analyzing information on conversion and retention rates, in coordination with IC elements, to evaluate, replicate, and scale programs.

(1) Data-driven approaches, including data collection, processing, analysis, and reporting shall comply with all applicable laws, policies, and other requirements that protect civil liberties and privacy.

(2) Personally Identifiable information (PII) shall be treated in accordance with the Privacy Act and other applicable laws and policies on confidentiality and privacy, and shall be accessible only to those with a need to know.

#### **G. IDENTIFY, DEVELOP, ACQUIRE, AND SCALE INNOVATION WITH/FROM NSES**

1. IC elements shall increase cross-sector collaboration by promoting best practices that leverage NSE business models and available authorities in accordance with law and policy.

2. The Assistant Director of National Intelligence for Acquisition, Procurement, and Facilities (ADNI/AP&F), in coordination with IC elements, shall expand existing, or create new, procurement and acquisition models to identify, develop, and acquire NSE innovations at the speed of mission.

a. This work shall support efforts to generate and disseminate technical problem sets with NSEs for the purpose of increasing IC efficiency and collaboration.

b. To foster increased awareness and utilization of procurement and acquisition models, the ADNI/AP&F, with support from other IC elements as appropriate, shall develop training and guidance to:

(1) Assist IC elements in leveraging Other Transaction Authorities agreements; and

(2) Improve the IC's integration and scale of emerging technology adoption, as appropriate.

3. The Director of the National Counterintelligence Security Center (D/NCSC), in coordination with the ADNI/AP&F, shall issue best practices to assist IC elements in better utilizing sensitive compartmented information facilities (SCIF) for a broader set of government personnel and NSE personnel, as appropriate and in accordance with law and IC policy. The best practices shall:

a. Build on existing SCIF access programs and policies; and

b. Leverage, where feasible, U.S. Government SCIFs in key innovation hub areas for use by a broader set of government personnel and NSE personnel, where appropriate and in accordance with law and policy.

#### **H. IMPROVE IC SUPPORT TO PRIORITY NSES IN DEFENSE OF U.S. NATIONAL SECURITY**

1. The IC NSE engagement efforts shall bolster U.S. resilience, facilitate collective action capable of deterrence, and ensure capacity of the U.S. to maintain a strategic advantage.

2. IC elements, in accordance National Security Memorandum 22, *Critical Infrastructure Security and Resilience* or any successor document and other applicable provisions of law and policy, shall assist NSEs in the protection of critical infrastructure, intellectual property, assets, and expertise critical to national security.

3. IC elements shall develop risk-based NSE insights that inform and enable threat mitigation activities.
4. The NIC shall produce for D/NCSC ICAs on threats to U.S. NSE sectors and NSEs from foreign actors.
5. The D/NCSC, in collaboration with IC elements, shall leverage the ICAs and prioritize NSE sectors that are most critical to U.S. national security, resulting in the better allocation of IC resources and support for the development of SES. To support this effort, the D/NCSC shall:
  - a. Establish best practices for assisting NSE sectors and NSEs to address foreign threats in accordance with law and policy;
  - b. Coordinate with IC elements on counterintelligence matters, including NSE capacity to defend against threats and to facilitate direct engagement, where warranted and appropriate; and
  - c. Develop a strategy, in coordination with the OPE, for conducting prioritized and synchronized outreach to prioritized NSE sectors. The strategy shall address individual NSE needs through adaptability and flexibility, while providing a focused and effective IC-wide approach.
6. Under this Section, issuance of ICAs and outreach strategy should occur every two years.
7. IC elements shall facilitate and promote tailored re-use and broader dissemination of threat information, assessments, and analysis to NSEs in accordance with law and policy, including ICD 208, *Maximizing the Utility of Analytic Products*.

## **I. IMPROVE ACCESS TO CRITICAL NSE INFORMATION**

1. IC elements shall establish routine and uniform processes to obtain insight from NSEs, resulting in an improved understanding of the threat landscape.
2. IC elements shall assess key correlations and trends impacting the threat landscape by improving and leveraging available data sources.
  - a. IC elements shall prioritize the sharing and access of data and ensure data is maximally available to (i.e., shared with) all applicable IC missions, in accordance with ICD 501, *Discovery and Dissemination or Retrieval of Information within the Intelligence Community*, and E/S 2017-00342, *Guiding Principles to Enable IC Sharing of Acquired Data*.
  - b. Data obtained from NSEs shall be managed in accordance with ICD 504, *IC Data Management*.
3. IC elements shall review existing and future U.S government legislative and regulatory NSE reporting requirements to determine whether currently collected, publicly available information is appropriately leveraged by the IC and whether structures may be better leveraged in the future.

4. To encourage robust voluntary NSE engagements, IC elements shall share and apply best practices for structuring and executing information sharing exchanges, including:
  - a. Developing agreements on the use and protection of shared information;
  - b. Protecting NSE information and IC sources and methods from unauthorized use or disclosure; and
  - c. Ensuring that NSE engagements and NSE-provided information protect privacy and civil liberties in accordance with law and policy.

## **J. METRICS AND REPORTING**

1. The OPE shall establish outcome-based performance metrics to measure the growth of NSE engagements across the IC, including the value and impact of IC engagements and exchanges with NSEs (e.g., ongoing or follow-up engagements, changes to NSE policies or actions with threat actors, etc.).
2. The OPE shall assess NSE engagement effectiveness, efficiencies, impacts, and barriers through IC-wide analysis and reporting.
3. IC elements shall provide engagement data to the OPE, as requested, in support of internal and external analysis and reporting, including to the White House, Congress, DNI, etc.

## **K. ROLES AND RESPONSIBILITIES**

1. The Director, OPE shall:
  - a. Serve as the Accountable Official for this Directive, including facilitating and monitoring of implementation efforts;
  - b. Develop and promulgate IC Standards, in accordance with IC Policy Guidance 101.2, *Intelligence Community Standards*, and other guidance as necessary, to implement this Directive;
  - c. Ensure a unified, coordinated IC approach for NSE outreach, relationship development, and associated knowledge and relationship management;
  - d. Chair the ICPC, which shall serve as the primary IC forum for the governance and oversight of NSE engagements and partnerships, and develop a charter in accordance with E/S 2021-1996;
  - e. Establish working groups and other appropriate IC fora, as needed, to support the ICPC, coordinate efforts, and identify best practices;
  - f. Enable greater access to diverse, qualified NSE perspectives by expanding existing, or developing new, NSE outreach efforts and programs in areas critical to U.S. national security;
  - g. Develop and coordinate best practices for NSE engagements, including:
    - (1) Promoting, in coordination with the NIC, the concept and use of an AIR format by IC elements to ensure NSE insights are captured and made available to the broader IC; and



(2) Identifying or establishing an IC information hub to share NSE engagement information and best practices;

h. Establish outcome-based performance metrics to measure the growth and impact of IC NSE engagements in accordance with Section J; and

i. Conduct IC-wide analysis and reporting, including engagement metrics, to assess NSE engagement effectiveness, efficiencies, impacts, and barriers.

2. The NIC shall:

a. Conduct net assessments, in collaboration with IC elements, focused on the comparative advantages and disadvantages of foreign state and non-state adversaries in critical NSE domains;

b. Produce ICAs, including on what NSE domains should be prioritized in terms of their national security and strategic importance and on threats from U.S. adversaries to U.S. and other partner NSEs;

c. Produce publicly available analytic products and assessments for NSEs; and

d. Coordinate with the OPE to promote the concept and use of an AIR format and use, at a minimum, the LNI or successor systems, to disseminate analytic products in accordance with ICD 204.

3. The NIMs shall:

a. Enable access to diverse, qualified NSE perspectives by expanding existing, or developing new, NSE outreach efforts and programs in areas critical to U.S. national security;

b. Develop SES to assist IC efforts in aligning and prioritizing NSE engagements in accordance with Section E; and

c. Coordinate with the OPE to ensure all products cleared for release to NSEs are catalogued in the information hub.

4. The ADNI/HC shall:

a. Identify, in coordination with the IC CHCO Council and the IC Recruiting Committee, IC-wide talent areas of critical need and develop guidance for IC elements facilitate, enhance, or increase the use of talent exchanges;

b. Coordinate with the Chief, Office of Civil Liberties, Privacy, and Transparency to ensure data collection, processing, analysis, and reporting efforts adhere to applicable civil liberty and privacy laws and policies;

c. Assess the feasibility and utility of alternative pay scales as a retention and recruitment tool to attract NSE talent; and

d. Gather information on the conversion and retention rates, in coordination with IC elements, to evaluate, replicate, and scale programs.

5. The ADNI/AP&F shall:

a. Expand existing, or create new, procurement and acquisition models, in coordination with IC elements, to scale innovations at the speed of mission;

b. Develop training and guidance on procurement and acquisition models and emerging technology, with support from IC elements as appropriate, to identify, develop, acquire, and scale NSE innovations; and

c. Coordinate with the D/NCSC to issue best practices to assist IC elements in better utilizing SCIFs for a broader set of government personnel, contractors, and industry personnel, as appropriate and in accordance with law and IC policy.

6. The D/NCSC shall:

a. Prioritize, in collaboration with IC elements, NSE sectors to inform and develop SES;

b. Issue best practices, in coordination with ADNI/AP&F, to assist IC elements in sponsoring SCIFs for a broader set of government personnel, contractors, and industry personnel, as appropriate and in accordance with law and IC policy;

c. Coordinate with IC elements on counterintelligence matters to facilitate greater direct engagement, including NSE capacity to defend against intelligence threats, where warranted and appropriate; and

d. Develop a strategy, in coordination with the OPE, for conducting prioritized and synchronized outreach to prioritized NSE sectors.

7. The IC elements shall:

a. Maintain, develop new, enhance, or expand engagements with NSEs in support of mission;

b. Designate an engagement/partnership officer to attend the ICPC and other OPE-established IC fora to represent their element's collective equities;

c. Publish information for NSEs seeking to engage with the IC in accordance with Section D;


d. Facilitate engagements by expanding existing, or developing new, NSE outreach efforts and programs in accordance with Section E;

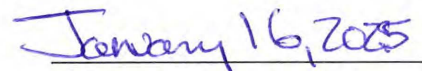
e. Utilize ICAs, SES, and net assessments to align and mobilize NSE engagements;

f. Utilize existing, or create new, collaborative processes that enhance the flow of information between the IC and NSEs, consistent with protecting sources and methods and in accordance with law and policy;

- g. Disseminate analytic products for discoverability within LNI or successor systems;
- h. Submit engagement information and other disseminated products to the IC's information hub for NSE engagement in accordance with Section E;
- i. Develop a routine process for incorporating NSE feedback to continuously iterate and improve cleared products, including utilizing de-briefers to attend engagements and gather feedback;
- j. Develop and incentivize access to and understanding of NSEs' talent and expertise to adopt innovation at the speed of mission, including establishing a performance objective for NSE partnership;
- k. Expand existing, or create new, procurement and acquisition models to identify, develop, and acquire NSE innovations at the speed of mission;
- l. Encourage robust voluntary NSE information exchanges by sharing and applying best practices for structuring and executing information sharing engagements;
- m. Facilitate and promote tailored re-use and broader dissemination of threat information, assessments, and analysis to NSEs in accordance with law and policy;
- n. Review existing and future U.S Government legislative and regulatory NSE reporting requirements to determine whether currently collected, publicly available information is appropriately leveraged by the IC in accordance with Section I;
- o. Encourage robust, voluntary NSE engagements by applying best practices for structuring and executing information sharing exchanges;
- p. Protect NSE information and IC sources and methods from unauthorized use and disclosure in accordance with law and policy;
- q. Ensure NSE engagements and NSE provided information protect privacy and civil liberties in accordance with law and policy; and
- r. Provide the OPE with NSE engagement data, as requested, in support of internal and external analysis and reporting requirements, including to the White House, Congress, DNI, etc.

**L. EFFECTIVE DATE:** This Directive becomes effective on the date of signature.

  
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Director of National Intelligence

  
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Date