

Committee on International
Collaboration: Update on DARPA
implementation of Foreign
Influence Program

Countering Foreign Influence Program (CFIP)

- Creates risk assessments of all proposed Senior/Key Personnel
- Risk assessment looks at all reported (see Risk Rubric) information, with an emphasis in the last 4 years
- CFIP Risk Ratings are assigned from Low to Very High dependent on the amount, type, and timing of foreign associations or affiliations that could constitute a foreign-influence CoI or CoC
- Nationality/citizenship not collected and not a factor



DEFENSE ADVANCED RESEARCH PROJECTS AGENCY
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MEMORANDUM FOR DARPA STAFF AND CONTRACTORS September 17, 2021

SUBJECT: DARPA Countering Foreign Influence Program (CFIP)

The DARPA CFIP is an adaptive risk management security program designed to help protect the critical technology and performer intellectual property associated with DARPA's research projects by identifying the possible vectors of undue foreign influence.

In order to identify and mitigate undue foreign influence, as required by Under Secretary of Defense for Research and Engineering (USD(R&E)), the Mission Services Office/Security and Intelligence Directorate (MSO/SID) CFIP team will create risk assessments of all proposed Senior/Key Personnel selected for negotiation of a fundamental research grant or cooperative agreement award. CFIP risk assessment ratings will be applied based on information found in the Standard Form (SF) 424, "Senior/Key Person Profile (Expanded)," and any of its accompanying or referenced documents, in concert with Executive Orders, federal policy, and publicly available undue foreign influence entity lists.

The undue foreign influence risk assessment process looks at all reported information available and cited in the SF 424 and places the most weight on the Senior/Key Person's activities over the last 4 years. CFIP risk ratings range from Low to Very High depending on the amount, type, and timing of foreign associations or affiliations that could constitute a foreign-influenced Conflict of Interest or Conflict of Commitment. Nationality or citizenship is not collected within this process and is not a factor in the risk assessment.

<https://www.darpa.mil/attachments/091721DARPA CFIP Policy Signed.pdf>

Senior/Key Personnel Foreign Influence Risk Rubric

Rating	Broad Qualitative Metric	Identified Specific Actions of the Senior/Key Personnel			
		Foreign Talent Program	Denied Entities	Funding	Foreign Institutions
<u>VERY HIGH</u>	Key personnel have <i>direct foreign ties, some of which are with strategic competitors (i.e., Russia, China) or other countries with a history of targeting U.S. technologies (CWHTUST) for unauthorized transfer.</i>	Indicators of active (ongoing) participation in a strategic competitor or CWHTUST Foreign Talent Program.	Indicators of an active (ongoing) <u>affiliation</u> with an entity on the US Govt identified denied entity or person list or EO 13959 or subsequent similar issuances.	Indicators of active (ongoing) direct funding from a strategic competitor or CWHTUST.	Indicators of active (ongoing) <u>affiliation</u> with a high risk foreign institution.
<u>HIGH</u>	Key personnel have some foreign ties, <i>some of which are with strategic competitors (i.e., Russia, China) or other countries with a history of targeting U.S. technologies for unauthorized transfer. No Indicators of a <u>direct foreign affiliation or tie.</u></i>	Indicators of past participation in a strategic competitor or CWHTUST Foreign Talent Program.	Indicators of past <u>affiliation or present association</u> with an entity on the US Govt identified denied entity or person list or EO 13959 or subsequent similar issuances.	Indicators of history/pattern of direct funding from a strategic competitor/CWHTUST.	Indicators of active (ongoing), direct <u>association</u> with a high risk foreign institution.
<u>MODERATE</u>	Key personnel have some foreign ties (family, friends, professional, financial) but <i>none</i> are with strategic competitors (Russia, China) or other countries with a history of targeting U.S. technologies for unauthorized transfer.	Indicators of active (ongoing) Participation in a Foreign Talent Program of a U.S. ally who has a relationship with a CWHTUST.	Indicators of past <u>association</u> with an entity identified in the U.S Govt denied entity list or EO 13959 or subsequent similar issuances.	Indicators of a history of non-consecutive, funding from a strategic competitors/CWHTUST.	Indicators of a history/pattern of direct association with a high risk foreign institution.
<u>LOW</u>	Key personnel have little or no foreign associations (family, friends, professional, financial) and no foreign affiliations.	No Participation in a Foreign Talent Program.	No Indicators of past or current association or affiliation with an entity on the US Govt identified denied entity or person list or EO 13959 or subsequent similar issuances...	Current or past funding from a foreign ally, country with no history of targeting US technology, or no foreign funding at all.	No indicators of an association or affiliation with a high risk foreign institution.

- **Affiliation** is defined as academic, professional, or institutional appointments or positions with a foreign government-connected entity, whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary), where direct monetary or non-monetary reward is involved. Affiliation is NOT considered co-authorship of publications with researchers at a foreign entity.
- **Association** is defined as academic, professional, or institutional appointments or positions with a foreign government-connected entity, whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary), where no direct monetary or non-monetary reward is involved. Association is NOT considered co-authorship of publications with researchers at a foreign entity.
- **Risk** may be amplified if the DARPA technology being pursued is similar to the technology/research of the Senior/Key Personnel's indicators.

Risk Assessment

- Low/Moderate: No risk mitigation plan or risk acceptance decision.
- High: May require risk mitigation plan and will require documented risk acceptance decision.
- Very High: Requires risk mitigation plan and will require documented risk acceptance decision
- High/Very High proposers will have an opportunity to address risks during negotiations. If cannot be mitigated to Low/Moderate, DARPA Deputy Director must approve.

The CFIP risk assessment process will be conducted separately from the DARPA scientific review process and adjudicated prior to final award. The CFIP risk assessment will result in one of the following risk ratings and associated risk mitigation or acceptance guidance:

1. Proposals rated *Low or Moderate* risk do not require a risk mitigation plan or documented risk acceptance decision.
2. Proposals rated *High* risk may require a risk mitigation plan and will require a documented risk acceptance decision.
3. Proposals rated *Very High* risk will require a risk mitigation plan and a documented risk acceptance decision.

For proposals rated as High or Very High risk, the Contracting Officer will coordinate with the Program Manager (PM), Scientific Review Official (SRO), and the Office Director (in cases in which the OD was not the SRO) as part of the post-selection activities, and in-turn provide an opportunity for the proposer to address the risk (e.g., risk mitigation plan, alternative Senior/Key Personnel, etc.) during negotiations. If the proposer is unwilling or unable to mitigate the risk to Low or Moderate, and the PM, SRO, and OD intend to proceed with the award notwithstanding, the DARPA Deputy Director must agree to accept the risk and proceed with the award.

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New Award Terms and Definitions

- The research recipient acknowledges that this research may have implications that are important to U.S. national interests and must be protected against foreign influence and exploitation
- The recipient research institution must establish and maintain an internal process or procedure to address foreign talent programs, conflicts of commitment, conflicts of interest, and research integrity.
- The recipient research institution must also utilize due diligence to identify **Foreign Components** with a **Strategic Competitor** or country with a history of targeting US technology or participation by Senior/Key Personnel in **Foreign Government Talent Recruitment Programs** and agree to share such information with the Government upon request.

Foreign Government Talent Recruitment Programs

any foreign-state-sponsored attempt to acquire U.S. scientific-funded research or technology through foreign government-run or funded recruitment programs that target scientists, engineers, academics, researchers, and entrepreneurs of all nationalities working and educated in the U.S.

- Distinguishing features of a Foreign Government Talent Recruitment Program may include:
 - *Compensation* in exchange for transfer of knowledge and expertise to the foreign country.
 - *In-kind compensation* including honorific titles, career advancement opportunities, or promised future compensation.
 - *Recruitment* or active engagement by a to attract the targeted individual to join the foreign-sponsored program and transfer their knowledge and expertise to the foreign state.
 - *Contracts* for participation that create conflicts of commitment and/or conflicts of interest for researchers.
 - *Relocation Incentives or Concurrent Appointments and Funding*

Foreign Component

Performance of any significant scientific element or segment of a program or project outside of the U.S., either by the University or by a researcher employed by a foreign organization, whether or not U.S. government funds are expended.

- Activities that would meet this definition include, but are not limited to:
 - Involvement of human subjects or animals;
 - Extensive foreign travel by University research program or project staff for the purpose of data collection, surveying, sampling, and similar activities;
 - Collaborations with investigators at a foreign site anticipated to result in co-authorship;
 - Use of facilities or instrumentation at a foreign site;
 - Receipt of financial support or resources from a foreign entity; or
 - Any activity of the University that may have an impact on U.S. foreign policy through involvement in the affairs or environment of a foreign country.
- Foreign travel is not considered a Foreign Component.

Strategic Competitor

A nation, or nation-state, that engages in diplomatic, economic or technological rivalry with the United States where the fundamental strategic interests of the U.S are under threat.

FAQ #19. Q: Where can we find a list of strategic competitors or countries with a history of targeting U.S. technology for unauthorized transfer?

A: DARPA leverages several unclassified and publicly available issuances such as the 2019 National Defense Authorization Act (NDAA), the 2020 NDAA, the Director of National Intelligence report “Annual Threat Assessment of the U.S. Intelligence Community,” and the Defense Counterintelligence and Security Agency report “Targeting U.S. Technologies. A Report of Foreign Targeting of Cleared Industry.” These documents provide good foundational information to help our performer base understand the threat, where that threat is originating from, and even some of the tactics, techniques, and procedures that could be used to gain access to our technology

Currently Have an Award & Status

- Clarify whether FGTP and Foreign Component restrictions are limited to only those relationships with Strategic Competitors
- Clarify that Foreign Component is limited to Foreign Component for the proposed project only
- Clarify definitions of FGTP and Foreign Component
- Define Strategic Competitor

Guidance

- Acceptance of the award terms – reviewing terms and conditions
 - Caltech reserves the right to withdraw the project should the risk mitigation strategy require the removal of an investigator for any reason.
- What if Risk Rubric application requires exclusion of Key Personnel (i.e. risk cannot be mitigated and is not approved by DARPA)?
- Notice to Faculty