AFRL/RX Functional Materials Open BAA
Attachment 8
Air Force Research Laboratory Security Risk Review – AFRLI 61-113

I. Notice of Intent.

(a) Security Risk Review. The Security Risk Review is applied to federally funded research designed to help protect Department of the Air Force Science and Technology (S&T) by identifying possible vectors of undue foreign influence. AFRL will follow all policy and procedures outlined in Air Force Research Laboratory (AFRL) Instruction AFRLI 61-113, Science and Technology Protection for the Air Force Research Laboratory and Department of the Air Force Instruction DAFI 63-101/20-101, Integrated Lifecycle Management.

(b) Security risk review for these subject application/proposals will be developed for all proposed Senior/Key personnel and "Covered Individuals". These risk reviews will be based on information disclosed in a Research and Related Senior and Key Person Profile and Security Questionnaire. In addition, any accompanying or referenced documents, publicly available information, and information contained in internal U.S. Government databases will be utilized in risk reviews. Nationality or citizenship is not a factor in the security risk reviews.

(c) When considering all external engagements, AFRL incorporates a holistic decision-making process that encompasses technical and security factors. The security review method implemented by AFRL measures risk factors to identify the appropriate Risk Acceptance Level (RAL) within the organization. The objective analysis of the security risk factors is conducted to empower AFRL's S&T leaders to make risk-informed decisions. The review process generally looks at five factors, or risk areas, but with authority for expanded review as noted in OSD R&E Memorandum dated 6 Jun 2023. The potential security risk factors are set forth below:

Potential security risk factors:

(1) Foreign Talent Program	(2) Funding	(3) Foreign Institutions	(4) Denied Entities	(5) U.S. Government Systems
Indicators of active and past participation or sponsorship in a strategic competitor Foreign Talent Program with history of targeting U.S. research or technology.	Indicators of active, historical, or pattern of conflict of interest, conflict of commitment, or pattern of direct funding from a strategic competitor or country with history of targeting U.S. research or technology.	Indicators of active, historical, or pattern of association with direct affiliation, collaboration with a foreign institution, person, or entity associated with a strategic competitor or country with history of targeting U.S. research or technology.	Indicators of an active affiliation or past affiliation or present association with an entity on the U.S. Gov't denied entity or person list or EO 13959 or subsequent similar issuances	Indicators that may reside in safeguarded U.S. government environments, according to its ascribed classification and not releasable for public consumption.

II. Actions Required by Applicants/Recipients and/or Offerors/Contractors at application/proposal submission.

(a) In accordance with AFRLI 61-113, S&T Protection, Applicants/Recipients and/or Offerors/Contractors are required to submit the following documentation with their application/proposal:

(1) Grant or Cooperative Agreement (CA)application:

(i) Standard Form 424, "Research and Related Senior and Key Person Profile (Expanded) (See Appendix 1) AND;

(ii) Security Program Questionnaire (See Appendix 2) AND;

(iii) "Privacy Act Statement" consent form for each Covered Individual that is also signed by the Applicants/Recipients as that Individual's Sponsor. (See "Covered Individual" section below, and Appendix 4)

(2) Contract or Other Transaction Agreement (OTA) proposals:

(i) Research and Related Senior and Key Person Profile Worksheet (See Appendix 3) AND;

(ii) Security Program Questionnaire (See Appendix 2) AND;

(iii) "Privacy Act Statement" consent form for each Covered Individual that is also signed by the Applicant/Recipient as that Individual's Sponsor. (See "Covered Individual" section below, and Appendix 4)

(3) In the event a security risk is identified, and the Government has determined the security risk exceeds the acceptable threshold, the Applicant/Recipient and/or Offeror/Contractor will be notified and informed of the decline of award. **The Government will provide as much rationale for the decision as Government OPSEC measures allow for.** Challenges under awards made solely for Fundamental Research shall follow the OSD R&E Memorandum dated 6 June 2023. Challenges under any other type of award shall follow the Ombudsman procedures within this Announcement/Solicitation.

(4) By submission of the Research and Related Senior Key Person Profile and Security Program Questionnaire, the Applicant/Recipient and/or Offeror/Contractor agrees to comply with the following:

(i) To certify that each covered individual who is listed on the application has been made aware: 1) of all relevant disclosure requirements, including the requirements of 42 U.S.C. § 6605; and 2) that false representations may be subject to prosecution and liability pursuant to, but not limited to, 18 U.S.C. §§287, 1001, 1031 and 31 U.S.C. §§ 3729-3733 and 3802. See National Science and Technology Council Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) on National Security Strategy for United States Government-Supported Research and Development (January 2022).

(ii) To establish and maintain an internal process or procedure to address foreign talent programs, conflicts of commitment, conflicts of interest, and research integrity.

(iii) To exercise due diligence to identify Foreign Components or participation by Senior/Key Personnel in Foreign Government Talent Recruitment Programs and agree to share such information with the Government upon request.

III. Actions Required by Covered Individuals.

(a) Covered Individual. An individual who contributes to a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with a research and development award from a federal research agency; and is designated as a covered individual by the federal research agency concerned. See 42 U.S.C. § 6605, Definitions. (Note: For purposes of a Broad Agency Announcement (BAA) solicitation, "covered individuals" are all Senior/Key Personnel.)

(b) Federal law requires that all current and pending research support, as defined by 42 U.S.C. §6605, must be disclosed at the time of application/proposal submission, for all covered individuals. The Government may require an updated disclosure during the performance of any research project selected for funding. The Government will require an updated disclosure whenever covered individuals are added or identified as performing under the funded project.

(c) Covered Individuals are also required to sign the "Privacy Act Statement" and provide such signed statement to the Applicant/Recipient and/or Offeror/Contractor for submission with the application/proposal. (See Appendix 4)

(d) Any decision to accept an application/proposal for funding under this announcement/solicitation will include full reliance on the individual's statements. Failure to report fully and completely all sources of project support and outside positions and affiliations may be considered a material statement within the meaning of the False Claims Act, 31 U.S.C. 3729, and constitute a violation of Federal law.

IV. Actions required by Applicants/Recipients and/or Offerors/Contractors during period of performance:

(a) Applicant/Recipient and/or Offeror/Contractor will be required to re-submit the Research and Related Senior and Key Person Profile as an annual requirement. In addition, whenever a new covered individual(s) is to be added or identified as performing under the funded project, a new Research and Related Senior and Key Person Profile will be required prior to continued performance.

(b) If, at any time, during performance of this award, the Applicant/Recipient and/or Offeror/Contractor learns that its Senior/Key Research Personnel (including any sub awardee personnel who receive this designation) are or are believed to be participants in a Foreign Government Talent Program or have Foreign Components with a strategic competitor or country with a history of targeting U.S. technology for unauthorized transfer, the Applicant/Recipient and/or Offeror/Contractor will notify the Contracting/Grants/Agreements Officer within 5 business days of awareness.

(c) This disclosure must include specific information as to the personnel involved and the nature of the situation and relationship. The Government will review this information and conduct any necessary fact-finding or discussion with the Applicant/Recipient and/or Offeror/Contractor. The Government's determination on disclosure may include acceptance, mitigation, or termination of the award.

(d) Failure of the Applicant/Recipient and/or Offeror/Contractor to reasonably exercise due diligence to discover or ensure that neither it nor any of its Senior/Key Research Personnel involved in the subject award are participating in a Foreign Government Talent Program or have a Foreign Component with a strategic competitor or country with a history of targeting U.S. technology for unauthorized transfer may result in the Government exercising remedies in accordance with federal law and regulation.

(e) The Applicant/Recipient and/or Offeror/Contractor will be required to flow down this requirement to all sub awardees/contractors who have personnel designated as Senior/Key Research Personnel as a result of their involvement in the performance of the research.

Attachments:

Appendix 1: Standard Form 424, "Research and Related Senior and Key Person Profile" (Expanded)
Appendix 2: Security Program Questionnaire
Appendix 3: Research and Related Senior and Key Person Profile Worksheet
Appendix 4: Privacy Act Statement