

Countering Foreign Influence Program (CFIP) Frequently Asked Questions (FAQ)
Incorporating Change 1, May 12, 2022 (changes are in *italicized* text)

1. Q: What is CFIP?

A1: CFIP is an effort to help identify and mitigate undue foreign influence conflicts of commitment/conflicts of interest (CoC/CoI) in DoD Science and Technology (S&T) research grants and cooperative agreements by identifying possible conflicts of interest or commitment by academic researchers.

A2: DARPA uses risk-based measures to assess potential CoC/COI based on information submitted by researchers as part of their fundamental research grant/cooperative agreement proposal submission. Researcher information is submitted via the [SF 424 “Senior/Key Personnel Profile \(Expanded\)”](#) and its associated attachments. *This information is often referred to as researcher disclosures.*

A3: In order to ensure that our policy and processes are transparent, DARPA posted reference documents to our public website. In addition, our CFIP information for bidders is explained in our Broad Agency/Research Announcement instructions.

2. Q: What policies required the establishment of CFIP (Who is driving this policy)?

A1: DARPA is following a [\(2019\) USD R&E Memo “Protection of Intellectual Property, Controlled Info, Key Personnel, and Critical Technologies.”](#) This memorandum provided the direction to use the SF 424 to collect specific information regarding Senior/Key Personnel.

A2: This USD(R&E) 2019 memorandum was informed by the [FY2019 National Defense Authorization Act Section 1286](#), which directed the DoD to address this challenge. It has been subsequently reinforced by the USD(R&E) [DoDI 5000.83 “Technology and Program Protection to Maintain Technological Advantage”](#) as well as the FY21 National Defense Authorization Act and National Security Presidential Memorandum 33 (NSPM-33). The White House’s Office of Science and Technology Policy (OSTP) issued [Guidance for Implementing NSPM-33](#) in January 2022 which identifies key focus areas and provides some key clarification points. Some of those clarification points have resulted in our updating of our CFIP FAQ and associated products and processes while also ensuring we remain consistent with USD(R&E)’s and the DoD’s vision.

3. Q: Why is this policy important now? What problem is it trying to solve?

A1: DARPA has implemented this policy in accordance with USD(R&E) direction that predated the more detailed [National Security Presidential Memorandum 33 \(NSPM-33\)](#). Various reports over the past several years have highlighted the threat, and tactics, some foreign governments pose to U.S. funded S&T. Our policy looks to help mitigate some of those threats up front before a grant or cooperative agreement is awarded.

A2: NSPM-33 is one of the more recent publications that details the problem at hand. It states, “Unfortunately, some foreign governments, including the People’s Republic of China, have not demonstrated a reciprocal dedication to open scientific exchange, and seek to exploit open United States and international research environments to circumvent the costs and risks of conducting research, thereby increasing their economic and military competitiveness at the expense of the United States, its allies, and its partners. While maintaining an open environment to foster research discoveries and innovation that benefit our Nation and the world, the United States will also take steps to protect intellectual capital, discourage research misappropriation, and ensure responsible management of United States taxpayer dollars. This includes steps to ensure that participants with significant influence on the United States R&D enterprise fully disclose information that can reveal potential conflicts of interest and conflicts of commitment.”

A3: *OSTP’s Guidance for Implementing NSPM-33 also describes the need for this type of policy. “Since World War II, America’s research enterprise has been second to none, and it has delivered profound benefits for our health, economy, and national security. This leadership has been rooted in the core commitment of our shared research environment to openness, transparency, honesty, equity, fair competition, objectivity, and democratic values.*

Some foreign governments, including those of the People’s Republic of China, Russia, and Iran, are working vigorously in violation of these values to acquire, through both licit and illicit means, U.S. research and technology. There have been efforts to induce American scientists to secretly conduct research programs on behalf of foreign governments or to inappropriately disclose non-public results from research funded by U.S. Government sources. This is unacceptable.

Preventing such abuses is a shared responsibility. It requires clear commitment, transparency, and communication from not only the Federal Government but also from research organizations and individual researchers”.

4. Q: Why did DARPA update its September 2021 Rubric?

A: After we published our policy we received feedback that some wording in our rubric did not reflect the intent of our policy, and that we could have been clearer. Accordingly, we hosted a series of engagements with various academic associations, and other entities, and based upon that feedback we updated our rubric to clearly state what we are assessing for potential conflicts of interest or commitment.

5. Q: How does the policy define “foreign influence?”

A1: There are several documents which detail the risks posed by undue foreign influence. In short, it involves foreign government exploitation tactics that intentionally target U.S. and allied partner research and intellectual capital which in turn threatens the integrity of our research.

A2: However, in January 2021 the National Science and Technology Council published [“Recommended Practices for Strengthening the Security and Integrity of America’s Science and Technology Research Enterprise.”](#) which provides a comprehensive description of the issue and its effects. NSTC stated that governments of some countries “seek to exploit the global research enterprise to circumvent the costs and risks of conducting their own research, thereby increasing their economic and military competitiveness at the expense of the United States and its allies and partners” ... and that “some individuals and foreign governments have exhibited increasingly sophisticated efforts to exploit, influence, and undermine U.S. research activities and environments.” Recent breaches of research integrity within America’s research enterprise include failures to disclose the following: funding (in some individual cases totaling hundreds of thousands of dollars in research subsidies, salaries, and personal payments); parallel laboratories; employment, affiliations, and appointments (including leadership positions in foreign research organizations); and conflicting financial interests (including investment in and ownership of private companies specializing in the same work performed at individuals’ U.S. research organizations). Often it is foreign funding sources and appointments that are not disclosed”.

6. Q: Where is Conflict of Interest (COI) or Conflict of Commitment (COC) defined?

A1: The definitions of COI and COC, from [NSPM-33](#), are included in DARPA Broad Agency Announcements and Research Announcements.

7. Q: Will DARPA/DOD be developing its own conflict of interest policy similar to NIH and NSF?

A: *Not at this time.*

8. Q: Did the DoD notify academia of the intent to implement new procedures to mitigate undue foreign influence?

A1: On October 10, 2019 USD(R&E) issued a [memo to academia](#).

A2: DARPA conducted outreach with numerous academic associations prior to publishing its policy. DARPA took note of key themes and concerns, most of which centered on transparency. DARPA is committed to transparency in our CFIP process and to updating it as needed based on new guidance and feedback.

9. Q: Is this DARPA rubric being applied to all potential performers, or just academic ones?

A: It is applied to all Senior/Key Personnel, specifically identified by the potential performer, of grant or cooperative agreement proposals determined to be selectable.

10. Q: CFIP involves fundamental research grants and cooperative agreements. Why is fundamental research included? National Security Decision Directive 189 and subsequent USD(A&S) guidance states fundamental research results are supposed to be unrestricted.

A1: CFIP does not put any restrictions on research. CFIP identifies potential undue foreign influence conflicts of interest or commitment (CoI and CoC) for the DARPA program manager, and DARPA leadership (i.e. Office Director, Scientific Review Official, Deputy Director DARPA) to consider prior to award.

A2: There are risks to the research security and integrity of fundamental research efforts. DARPA's CFIP program works to identify potential risks that could jeopardize the security and integrity of its funded research.

11. Q: Will a "high" rating disqualify someone from receiving DARPA funding?

A: No CFIP rating or disclosure factor automatically disqualifies anyone.

12. Q: Is Co-authorship with foreign entities/institutions used as part of the assessment?

A: No.

13. Q: Is a co-published paper deemed more concerning than serving on a conference panel, for example?

A: Co-authorship and serving on a conference panel are both time-honored aspects of academia and in and of themselves are not a factor.

14. Q: Does DARPA expect investigators to disclose collaborations as Current & Pending support, in the SF424?

A: Yes. The OSTP Implementer Guidance has helped scope this. It states, Current and Pending support includes "All R&D projects currently under consideration from whatever source, and all ongoing projects, irrespective of whether support is provided through the proposing organization, another organization, or directly to the individual, and regardless of whether the support is direct monetary contribution or in-kind contribution (e.g., office/laboratory space, equipment, supplies, or employees).

15. Q: Are consulting arrangements for senior/key persons required for disclosure as part of DAPRA proposal submissions under the individual's Current and Pending support?

A: We have adopted the OSTP Guidance for Implementing NSPM-33 clarification regarding consulting. Paid consulting that falls outside of the individual's appointment; separate from the institutions agreement" would be reported under Current and Pending Support. Consulting that is permitted by an individual's appointment and consistent with the proposing organization's "Outside Activities" policies and procedures may be excluded from reporting. In addition, research organizations should ensure that

researchers do not inappropriately characterize research activities or involvement in foreign government-sponsored talent recruitment programs as consulting.

16. Q: Will DARPA adopt the OSTP Guidance for Implementing NSPM-33 guidance regarding “Exclusions from disclosure requirements within the R&D award application process”.

A. Yes. However, Compensation or consideration that are provided with terms and conditions and in support of R&D activities are not considered gifts and must be disclosed by researchers as current and pending support. Gifts are resources provided with no expectation of anything in return (e.g., time, services, specific research activities, money), and do not require disclosure except when required by Section 117 of the HEA, as amended.

17. Q: Will DARPA allow research institutions, and their researchers, to submit corrections to inaccurate or incomplete Senior/Key Personnel SF424 package submissions.

A. Yes. The research institution should contact the contracting officer as soon as the need for a correction has been identified and those corrections must be submitted NLT 2 business days from that notification.

18. Q: If the institution discovers personnel who were paid 100% on a DARPA project were also receiving financial support from a foreign entity - how do we report this?”

A: It would be reported to the contracting officers as an update to their SF 424 Current & Pending support attachment.

19. Q: Does DARPA expect universities to review faculty’s personal contracts with foreign entities.

A: DARPA would expect universities to review those type of events IAW their institutions own policies.

20. Q: How will Senior/Key Personnel disclosures be assessed if their past activities were legal and endorsed when undertaken versus today’s climate (i.e., with regards to foreign talent programs) or direction (i.e., later inclusion on denied entity lists or subsequent issuances).

A: DARPA understands that some of the lists detailing concerning activities (i.e., foreign talent programs) or institutions/entities (i.e. denied entities or lists) can be fluid. The DARPA CFIP team takes that into consideration when they review Senior/Key Personnel disclosures and will highlight mitigating circumstances such as non-active participation in the assessment. A situation like this would be a key discussion point in the negotiation of a selectable proposal.

21. Q: Can a proposal be awarded even if there is a Senior/Key Person COI or COC risk assessment rated as HIGH or VERY HIGH?

A: Yes. A key aspect of our program is providing the sponsoring institution the opportunity to address, and, if possible, mitigate the potential risk identified during negotiations. The process for providing a mitigation plan is included within DARPA announcements that allow for grant and cooperative agreement awards (e.g., Broad Agency Announcements, Research Announcements). The risk acceptance authority has several courses of action with regards to this process. They may accept the risk without mitigation, accept the potential risk with mitigations from the institution (even if it remains High or Very High), or non-concur with the risk acceptance request, in which case DARPA will not make an award.

22. Q: Will DARPA CFIP assessments affect the funding of proposals?

A: It depends on the factors identified in the assessment. The CFIP assessments provide the PM, Contracting Officer, and Scientific Review Official CoI and CoC information for consideration prior to award. If the contracting officer and PM choose not to accept a risk, the institution will be given an opportunity to address it prior to award. If the institution is able to mitigate the risk, or should DARPA’s risk acceptance authority choose to accept any concerns, the award will proceed.

23. Q: Has DARPA CFIP undergone a Legal, Privacy, and/or Civil Liberty Review?

A: Yes.

24. Q: Who is responsible for developing the risk mitigation plans?

A: The sponsoring academic institution.

25. Q: Does DARPA expect to see a specific management plan for a project that is deemed to be high or very high risk? Or is it sufficient that the research institution has a program in place to address it?

A: DARPA would expect to be informed of the details of the research institution's management plan that they believe would help mitigate the risk or support a favorable risk acceptance decision.

26. Q: Is the DARPA CFIP program only focused on the People's Republic of China's government foreign influence?

A: No, DARPA CFIP is focused on undue foreign influence, regardless of origin. While the PRC does constitute a large portion of known undue foreign influence cases in the U.S., there are numerous threats from other strategic competitors with a history of targeting U.S. technology for unauthorized transfer.

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

A1: 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.

A2: *The most commonly recognized strategic competitors regarding unauthorized transfer of U.S. technology are China, Russia, Iran, and North Korea as highlighted in the "[Annual Threat Assessment of the U.S. Intelligence Community](#)," although each countries capabilities, tactics, techniques, and procedures vary greatly.*

28. Q: Where did your definitions of Association and Affiliation come from?

A: These definitions are drawn from key language provided in [NSPM-33](#).

29. Q: Is DARPA's policy consistent with other DoD S&T Organization CFIP policies?

A: DARPA has collaborated with various DoD S&T Organizations to learn about their programs. They have all played a role in the USD(R&E) sponsored S&T Protection Working Group, which has spearheaded the education, awareness, and communication of this mission area. DARPA has taken lessons learned and input from those organizations while also taking into consideration our unique organization and mission in tailoring our policies and processes.

30. Q: Do you expect other DOD funding agencies to implement a similar rubric?

A: *We have had discussions with other DoD services and agencies, but cannot comment on if they are going to implement a similar rubric or not.*

31. Q: Will you provide the results of your assessments to other DoD, intelligence, or law enforcement agencies?

A: *To date we have not. The Guidance for Implementing NSPM-33 has distinct guidance on what information may be shared and we are working with USD(R&E) to see what DoD approach may be for implementation.*

32. Q: How is DARPA engaging the Federal Working Group on this topic that is being led by the Office of Science and Technology Policy?

A: USD(R&E) is the DoD representative to that working group. We have provided USD(R&E) input and information regarding our processes to include our analysis of other pertinent issuances pertaining to this mission area.

33. Q: Does DARPA plan to work with OSTP on a digital CV so researchers can report the same information in the same way when applying to grants at different federal agencies?

A: USD(R&E) is the DoD representative to OSTP's Federal Working Group and works directly with them on matters such as this. USD(R&E) engages the DoD Components for input when applicable. Of related note, we have been told that the DoD is working to determine a strategy for implementing Digital Persistent Identifiers into the application process as required by NSPM-33.

34. Q: Did DARPA coordinate with the National Science Foundation (NSF), National Institute of Health (NIH), or the National Institute of Standards and Technology (NIST)?

A: No. DARPA is aware of various other federal agency programs and has received topical briefings regarding some. However, DARPA's program is designed to meet the requirements as outlined in the direction from USD(R&E) tailored to fit our organizational culture and business processes.

35. Q: Researchers have expressed concerns with whether they should collaborate with international individuals and how to proceed? Any tips or advice on how faculty should select their international collaborations?

A: International research has been, and must continue to be, a mainstay in the U.S. research ecosystem. The former OSTP Direct Dr. Landers stated it very well in his Foreword to the Guidance for Implementing NSPM-33. He stated "One of America's most amazing and enviable superpowers is that we are the leading magnet for talented scientists and engineers from around the world. They come to study, to found startups, to lend their energies to U.S. scientific and technology endeavors, to start research labs, and to build ties between cultures, communities, and countries — and they become incredible members of our scientific community".

At DARPA, we firmly believe that openness, transparency, honesty, equity, fair competition, objectivity, and understanding on both of our parts, DARPA's and the research institutions, is paramount to our collective success.

A2: Questions 36 of this FAQ provides some good examples regarding considerations you can undertake when embarking on international research collaborations.

36. Q: What are some best practices that academia can implement regarding education and mitigation of "undue foreign influence?"

A1: The following federal government issuances include best practices and considerations:

- [White House Office of Science and Technology Policy, "Recommended Practices For Strengthening The Security And Integrity Of America's Science And Technology Research". January 2021](#)
- [White House Office of Science and Technology Policy, White House: Enhancing The Security And Integrity Of America's Research Enterprise: October 2020](#)

A2: U.S. academic associations and groups have also published guidance to their constituents detailing the issue and recommendations/options for processes they can implement at their institutions. The Academic Security and Counter Exploitation Program (ASCEP), and its associated Working Group, is also a great source of information. Note: This is not an endorsement of any or all of the below issuances but rather a pointer to publicly available information that could be of benefit.

- [*American Council on Education \(ACE\) Memorandum to ACE member Presidents and Chancellors, May 10, 2018*](#)
- [*The Association of American Universities \(AAU\) and The Association of Public & Land Grant Universities \(APLU\), "University Actions to Address Concerns about Security Threats and Undue Foreign Government Influence on Campus", Updated May 2020*](#)
- [*Council on Government Relations \(COGR\) "Framework For Review of Individual Global Engagements in Academic Research, Version 1.0, January 14, 2020*](#)
- [*Council on Government Relations \(COGR\) "Federal Focus on Inappropriate Foreign Influence on Research: Practical Considerations in Developing an Institutional Response", August 18, 2021*](#)