

# ARL Implementation of AFC Army Research Risk Assessment Protection Program (AFC ARRP)

## Frequently Asked Questions (FAQ)

*Incorporating Change 2, (changes are in italicized text)*

**1. Q: What is the ARL Implementation of AFC Army Research Risk Assessment Protection Program (AFC ARRP)?**

**A:** The AFC, Army Research Risk Assessment Program (ARRP) is an effort to help identify and mitigate existing or potential risk of Conflicts of Commitment/Conflicts of Interest Conflicts of Commitment/Conflicts of Interest (CoC/CoI) in Army research grants and cooperative agreements. ARRP information for proposers is included in the Army's Research Laboratory Broad Agency Announcement (BAA) instructions.

**2. Q: What policies required the establishment of the ARL Implementation of AFC Army Research Risk Assessment Protection Program (AFC ARRP) (What is driving this program)?**

**A: Congressional Law.** National Defense Authorization Act (NDAA) 2019 directed the Department of Defense (DoD) to establish an initiative to work with academic institutions who perform defense research and engineering activities to: (1) support protection of intellectual property, controlled information, key personnel, and information about critical technologies relevant to national security; and (2) to limit undue influence, including through foreign talent programs, by countries to exploit United States technology within the Department of Defense research, science and technology, and innovation enterprise. Congress subsequently amended NDAA 2019 in NDAA 2020 Section 1281, and NDAA 2021 Section 1299C. Congress also enacted NDAA 2021, Section 1062, Limitation of Provision of Funds to Institutions of Higher Education Hosting Confucius Institutes; and Section 223, Disclosure of Funding Sources in Applications for Federal Research and Development Awards.

**Executive Direction.** The Presidential Memorandum on United States Government-Supported Research and Development National Security Policy was issued on Jan 14, 2021, under National Security Presidential Memorandum-33 (NSPM-33) and it directed action to strengthen protections of United States-supported Research and Development (R&D) against foreign government interference and exploitation. NSPM-33 directs R&D participants to disclose conflicts of interest and commitment, and for organizations to have established and administer policies and processes to identify and manage risks to research security and integrity.

**DoD Policy.** On 20 July 2020, OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING (OUSDR&E) issued DoD Instruction 5000.83, Technology and Program Protection to Maintain Technological Advantage. This instruction establishes DoD policy, assigns responsibilities, and provides procedures for Science and Technology (S&T) managers and engineers to manage system security and cybersecurity technical risks from foreign intelligence collection of DoD-sponsored research and technology that is in the interest of national security. As a means to counter the threat from strategic competitor nations, the DoD will employ risk-based measures to protect systems and technologies from adversarial exploitation and compromise of U.S. military vulnerabilities and weaknesses. The OUSD R&E issued a policy memorandum on 20 Mar 2019, Subject: Actions for the Protection of Intellectual Property, Controlled Information, Key Personnel, and Critical Technologies. This memorandum directed DoD Grants managers to request proposer information using OPM standard forms for "Senior/Key Person Profile (Expanded)".

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

**A:** The Presidential Memorandum, [National Security Presidential Memorandum-33](#) (NSPM-33) Implementation Guidance states that "Everyone involved in the research enterprise, including the U.S. Government, research organizations, and researchers, has a role in both protecting research security and maintaining the core values that drive American leadership in science, technology and innovation: openness, transparency, honesty, equity, fair competition, objectivity, and democratic values." This policy provides clarity and direction on the role of the researcher and research organizations seeking Army research funding.

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**4. Q: How are Risk factors assessed? Is there a risk matrix/rubric?**

**A:** The ARL Implementation of AFC, Army Research Risk Assessment Protection Program (ARRP) has a risk matrix or rubric that identifies four types of risk factors:

1. Participation by the institution or key personnel conducting the research in foreign talent programs;
2. Denied entity list affiliation or association;
3. Ongoing Conflicts of Commitment or Conflicts of Interest (CoC or CoI) or funding from a strategic competitor;
4. Affiliation, association, or collaboration with a foreign institution, person, or entity from a U.S. strategic competitor.

The Army risk matrix, or rubric can be found: [www.arl.army.mil/arrp](http://www.arl.army.mil/arrp)

**5. Q: Is the Army's risk matrix/rubric being applied to all potential performers, or just academic ones?**

**A:** Risk assessments are completed where identified in the solicitation for Army-sponsored grants and cooperative agreements. The Army's risk matrix/rubric is applied to all Senior/Key Personnel identified.

**6. Q: What is defined as Senior/Key Personnel or a Principal Investigator (PI)?**

**A:** Senior/Key Personnel are those who (a) contributes in 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 (b) is designated as a covered individual by the Federal research agency concerned

**7. Q: How does the program define "foreign influence from a strategic competitor?"**

**A:** The National Science and Technology Council (NSTC) 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." Some foreign governments have undue influence through both licit and illicit means.

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

**A:** The definitions of COI and COC are defined in National Security Presidential Memorandum-33 ([NSPM-33](#)). It is also included in the Army's Research Laboratory Broad Agency Announcement (BAA) solicitations.

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

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

**10. Q: ARRPP involves fundamental research grants and cooperative agreements. Why is fundamental research included? National Security Decision Directive 189 and subsequent Under Secretary of Defense for Acquisition & Sustainment OUSD(A&S) guidance states fundamental research results are supposed to be unrestricted.**

**A:** Although, the intent of fundamental research is open and unrestricted to the extent practicable, foreign talent programs and other efforts by strategic competitors pose the risk of damaging the open research environment and negatively impact national security. The AFC's ARRPP program works to identify potential risks that could jeopardize the security and integrity of its funded research and research portfolio.

**11. Q: Is Co-authorship or panel participation at a conference with foreign entities/institutions used as part of the assessment?**

**A:** Yes, co-authorship/*panel participation at a conference* is an indicator of collaboration between researchers and research institutions to exchange something of value. *Co-authorship/panel participation at a conference*

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with a strategic competitor would be considered under Factor 4: Foreign Institutions of the Army risk matrix/rubric.

**12. 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 our fundamental research ecosystem. Either or neither could be an indicator of potential foreign influence depending on the nature of the co-authorship or the conference panel along with consideration of other factors.

**13. Q: Does a Principal Investigator (PI) need to disclose collaborations as Current & Pending support?**

**A:** Yes. The White House Office of Science and Technology (OSTP) Implementation Guidance has helped describe what is required to be disclosed. 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).”

**14. Q: What happens if the Principal Investigators (PI) or co-PIs have changed?**

**A:** If PIs or Co-PIs change at any time, during performance of an award, the recipient must update its Senior/Key Research Personnel by submitting updated forms identifying key personnel including biographical sketch and resume/CV, plus the signed Privacy Act Statement for each key person added/changed.

**15. Q: What is a Privacy Act Statement and where can be found?**

**A:** It is a required statement that needs to be signed by each Senior/Key Research Personnel identified in the proposal. By signing this document, the Senior/Key Research Personnel are acknowledging that the information collected may be used in processing, investigating, and maintaining records relevant to Federal Assistance awarded by the Department of the Army. Records in these systems will be used to ensure Army sponsored and/or awarded federal grants, assistance, contracts, and/or benefits are awarded to responsible parties, entities, and individuals.

**16. Q: What are the minimum required documents (Standard Form (SF) 424, Application For Federal Assistance) for key personnel identified in the research?**

**A:** Requirements are provided in the [Army BAA website](#).

**17. Q: Where can the Standard Form (SF) 424, Application For Federal Assistance forms be found and instructions?**

**A:** [SF-424 Family | GRANTS.GOV](#)

**18. Q: Are consulting arrangements for senior/key persons required for disclosure as part of Army’s proposal submissions under the individual’s Current and Pending support?**

**A:** We have adopted The White House Office of Office of Science and Technology Policy (OSTP) Guidance for Implementing NSPM-33 clarification regarding consulting. Paid consulting that falls outside of the individual’s appointment; separate from the institution’s 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. Authorship or co-authorship on a scientific or technical published paper or posted pre-print would be one manifestation of an activity that involves research.

**19. Q: Will the Army adopt the Office of Science and Technology Policy (OSTP) Guidance for Implementing National Security Presidential Memorandum–33 (NSPM-33) guidance regarding “Exclusions from disclosure requirements within the Research & Development award application process”.**

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**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 U.S. Department of State Higher Education Act.

**20. Q: Will the Army allow research institutions, and their researchers, to submit corrections to inaccurate or incomplete Senior/Key Personnel in the Standard Form (SF) 424, Application For Federal Assistance?**

**A:** Yes. The research institution should contact the Army Grants Officer as soon as the need for a correction has been identified.

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

**A:** It would be reported to the Army Program Manager (PM) and Grants Officer as an update to their Research Submittal Current & Pending support attachment.

**22. Q: Does the Army expect universities to review faculty's personal contracts with foreign entities.**

**A:** The Army would expect universities to review those type of events In Accordance With (IAW) their institutions own policies.

**23. 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:** The Army team takes that into consideration when they review Senior/Key Personnel disclosures. A situation like this could be a key discussion point in the consideration of a selectable proposal.

**24. Q: Can a proposal be awarded even if there is a Senior/Key Person Conflicts of Commitment/Conflicts of Interest (CoC/CoI) risk assessment rated as HIGH?**

**A:** Yes. In some cases, the sponsoring institution may have the opportunity to address or mitigate the potential risk identified. The process for providing a mitigation plan is included within the Army announcements that allow for grant and cooperative agreement awards (e.g., Broad Agency Announcements, Research Announcements). The Army has several courses of action with regards to this process. They may accept the risk without mitigation, accept the residual risk with mitigations from the institution (even if it remains High), or not accept the risk and, thus, not make an award.

**25. Q: Will a proposer/institution be given the opportunity to come up with a mitigation plan?**

**A:** Yes. The proposer can accept a mitigation plan offered by the Army or offer an alternate mitigation plan. In some cases, the Army may offer a baseline mitigation plan and request the offeror to provide enhanced mitigations tailored to their situation for the Army to consider. If an alternate mitigation plan is provided the risk acceptance authority will evaluate and determine a path forward.

**26. Q: Will a proposer be told the reason for a proposal deemed to be Moderate or High?**

**A:** The proposer will be told the factor type based and rating level on the published Army risk matrix/rubric.

**27. Q: On award, How are risk mitigation plans conveyed to a performing institution?**

**A:** Risk mitigation will be captured in Other Terms and Conditions of the assistance award. The academic institution is responsible for complying with Terms and Conditions of the award.

**28. Q: Does AFC Army Research Risk Assessment Protection Program (ARRP) expect to see a specific management plan for a project that is deemed to be high risk for potential Conflicts of Commitment/Conflicts of Interest (CoC/CoI)? Or, is it sufficient that the research institution has a**

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### **program in place to address it?**

**A:** Risk mitigation should be tailored to the particular drivers of risk and the project. The Army would expect to be informed of the details of the research institution's management plan that the institution's authorized officials believe would help mitigate the risk or support a favorable risk acceptance decision.

### **29. Q: Can a Principal Investigator (PI) apply for more proposals if others were determined as "High" Risk?**

**A:** Yes, each proposal is evaluated independently.

### **30. Q: Will AFC Army Research Risk Assessment Protection Program (ARRP) assessments affect the award funding of proposals?**

**A:** Award decisions will be affected by ARRP assessments. Additionally, through the process of applying mitigations, the Army understands that changes to the proposal may affect content and cost of the final proposal considered for award.

### **31. Q: Is AFC Army's Research Risk Assessment Protection Program (ARRP) program only focused on the People's Republic of China's government foreign influence?**

**A:** No. While the PRC does constitute a large portion of known undue foreign influence cases in the U.S., there are numerous threats from all U.S. strategic competitors or other countries with a history of targeting U.S. research and technology for unauthorized transfer and unduly influencing our research ecosystem.

### **32. Q: Will all proposals from foreign institutions or working with foreign Principal Investigators (PI) result in either a moderate or High-risk assessment?**

**A:** No. The US Army highly values the participation and contributions of foreign partners in our research program. Collaboration with foreign partners is essential to the strategic advantage the US Army and our partners gain from our fundamental research investments. The Army's risk matrix/rubric and derived assessments refer to strategic competitors and countries with a history of targeting U.S. research or technology.

### **33. Q: Where can we find a list of strategic competitors or countries with a history of targeting U.S. research and technology?**

**A:** The Army 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.

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

**A:** Yes. The Army will provide results of our assessments, in accordance with the requirement contained in National Security Presidential Memorandum-33 (NSPM-33) which states: "To strengthen the effectiveness of response measures, heads of agencies shall share information about violators (e.g., those who violate disclosure or other policies promulgated pursuant to this memorandum, participate in foreign government-sponsored talent recruitment programs contrary to policies issued pursuant to section 4(c)(ii), or whose activities clearly demonstrate an intent to threaten research security and integrity) across Federal funding institutions and with Federal law enforcement agencies, the DHS, and State, to the extent that such sharing is consistent with privacy laws and other legal restrictions, and does not interfere with law enforcement or intelligence activities. Where appropriate and consistent with due process, privacy considerations, and all other applicable law, heads of agencies should consider providing notice to other Federal funding institutions in cases where significant concerns have arisen, but a final determination has not yet been made."

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**35. Q: What are some best practices that academia can implement regarding education and mitigation of “undue foreign influence?”**

**A:** The following federal government issuances are resources for 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](#)
- [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](#)

**36. Q: What if I have other AFC, ARRP related questions?**

**A:** Please contact for AFC, ARRP questions: [arrp@army.mil](mailto:arrp@army.mil)