**Relevant Definitions per the Act (15 U.S.C 638 (e))**

**(15) Covered individual** - the term "covered individual" means an individual 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;

 **(16) Foreign affiliation -** the term "foreign affiliation" means a funded or unfunded academic, professional, or institutional appointment or position with a foreign government or government-owned entity, whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary);

**(17) Foreign Country of Concern** - the term "foreign country of concern" means the People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, the Islamic Republic of Iran, or any other country determined to be a country of concern by the Secretary of State;[[1]](#footnote-1)

**(18) Malign Foreign Talent Recruitment Program -** the term "malign foreign talent recruitment program" has the meaning given such term in section 19237 of title 42; (see appendix)

**(19) Federally funded award** - the term "federally funded award" means a Phase I, Phase II (including a Phase II award under subsection (cc)), or Phase III SBIR or STTR award made using a funding agreement.

**Firm Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­­\_\_­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_ Firm EIN (UEI if EIN is unavailable): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**As indicated below this document may contain trade secrets or commercial or financial information that is privileged or confidential and is exempt from public disclosure. Such information shall be used or disclosed only for evaluation purposes or in accordance with a financial assistance agreement between the submitter and the Government. The Government may use or disclose any information that is not appropriately marked or otherwise restricted, regardless of source.**

**Disclosure Questions**

1. Is any small business owner, or covered individual party to any foreign talent recruitment program of any foreign country of concern?
☐ Yes ☐ No If yes, please disclose the name of each owner, officer, or covered individual and the foreign talent recruitment program.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| First Name | Last Name | E-mail Address | Role (Owner or Covered Individual) | Current Country of Residence  | Foreign Talent Recruitment Program  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

2. Is there a joint venture or subsidiary, of your small business concern that is based in, funded by, or has a foreign affiliation with any foreign country of concern? [ ]  Yes [ ]  No If yes, please disclose the name and address of each joint venture or subsidiary.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Entity Name | Street Address | City | State | Zip | Country | Relationship (i.e., Joint Venture, Subsidiary)  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

3. Is your small business concern wholly owned in a foreign country of concern? [ ]  Yes [ ]  No If yes, please disclose the foreign country of concern.

|  |
| --- |
| Foreign Country of Concern  |
|  |

4. Does your small business concern have any venture capital or institutional investment? ☐ Yes ☐ No If yes, please proceed to the next question. If no, please proceed to question 5.

*4a.* Does the investing entity have a general partner or individual holding a leadership role who has a foreign affiliation with any foreign country of concern, including the People’s Republic of China? ☐ Yes ☐ No If yes, please populate the table below. If no, please proceed to question 5.

|  |  |  |
| --- | --- | --- |
| Venture Capital or Institutional Investor | Percentage of Investment | Type of Investment (e.g., Equity, Debt, or Equity and Debt) |
| [ ]  Check box if this table containstrade secrets orcommercial or financial information this is privileged or confidential and exempt from public disclosure. |
|  |  |  |
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5. During the previous 5-year period, did your small business concern have any technology licensing or intellectual property sales to a foreign country of concern? [ ]  Yes [ ]  No If yes, please disclose the name and address of the institution that licensed or purchased the intellectual property.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Licensee or Intellectual Property Buyer Name | Foreign Country of Concern  | Street Address | City | State | Zip | Country |
| [ ]  Check box if this table containstrade secrets orcommercial or financial information this is privileged or confidential and exempt from public disclosure. |
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**Questions 6 and 7 relate to ANY foreign countries.**

6. Does your small business concern have any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an enterprise owned by a foreign state or any foreign entity? [ ]  Yes [ ]  No If yes, please disclose the name and address of the enterprise and the nature of the business relationship.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Enterprise or Foreign Entity Name  | Relationship Type (i.e., current or pending contractual arrangement, financial obligation, other agreement/business arrangement, joint venture-like arrangement)  | Description of Relationship | Enterprise Owned by a Foreign State (Y/N) | Foreign State/Entity Country Name |
| [ ]  Check box if this table containstrade secrets orcommercial or financial information this is privileged or confidential and exempt from public disclosure. |
|  |  |  |  |  |
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7. Is there any foreign business entity, offshore entity, or entity outside the United States related to your small business concern? [ ]  Yes [ ]  No If yes, please disclose the name and address of the entity and the relationship to your small business concern.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Entity Name  | Entity Type (i.e., foreign business entity, offshore entity, entity outside the United States)  | Description of Relationship | Foreign State/Entity Country Name | Street Address | City | State | Zip | Country |
| [ ]  Check box if this table containstrade secrets orcommercial or financial information this is privileged or confidential and exempt from public disclosure. |
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**Certification**

I certify to the best of my knowledge and belief that the information contained in this Disclosure of Foreign Relationships is true, complete, and accurate. I understand that any false, fictitious, or fraudulent information, misrepresentations, half-truths, or omissions of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (18 U.S.C. §§ 1001 and 287, and 31 U.S.C. 3729-3733 and 3801-3812).

I understand that the small business concern will be required to repay all amounts received under the award if there is a material misstatement that <<AGENCY X>> determines poses a risk to national security, or there is a change in ownership, change to entity structure, or other substantial change in the circumstances of the small business concern that <<AGENCY X>> determines poses a risk to national security. (15 U.S.C. § 638(g),(o)).

I further understand and agree that (1) the statements and representations made herein are material to <<AGENCY X>>’s funding decision, and (2) I have a responsibility to update the disclosures during the period of performance of the award if: (i) there is any change to a disclosure required under questions 1-7, (ii) there is any material misstatement that <<AGENCY X>> could determine poses a risk to national security, or (iii) there is a change in ownership, change to entity structure, or other substantial change in the circumstances of the small business concern that <<AGENCY X>> could determine poses a risk to national security. (15 U.S.C. § 638(g), (o)).

|  |  |
| --- | --- |
| *Signature* | *Date\_\_/\_\_/\_\_* |
| *Print Name (First, Middle, Last)* |
| *Role/Title* |
| *Name of Small Business Concern* |

The Disclosure of Foreign Relationships is a part <<Agency X>> due diligence program under 15 U.S.C. § 638(vv) and is exempt from the Paperwork Reduction Act.

**Appendix Malign Foreign Talent Recruitment Program Definition**

(4) Malign foreign talent recruitment program (42 USC 19237, as October 20, 2022)

The term "malign foreign talent recruitment program" means-

(A) any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to the targeted individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue, in exchange for the individual-

(i) engaging in the unauthorized transfer of intellectual property, materials, data products, or other nonpublic information owned by a United States entity or developed with a Federal research and development award to the government of a foreign country or an entity based in, funded by, or affiliated with a foreign country regardless of whether that government or entity provided support for the development of the intellectual property, materials, or data products;

(ii) being required to recruit trainees or researchers to enroll in such program, position, or activity;

(iii) establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or affiliated with a foreign country if such activities are in violation of the standard terms and conditions of a Federal research and development award;

(iv) being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;

(v) through funding or effort related to the foreign talent recruitment program, being limited in the capacity to carry out a research and development award or required to engage in work that would result in substantial overlap or duplication with a Federal research and development award;

(vi) being required to apply for and successfully receive funding from the sponsoring foreign government's funding agencies with the sponsoring foreign organization as the recipient;

(vii) being required to omit acknowledgment of the recipient institution with which the individual is affiliated, or the Federal research agency sponsoring the research and development award, contrary to the institutional policies or standard terms and conditions of the Federal research and development award;

(viii) being required to not disclose to the Federal research agency or employing institution the participation of such individual in such program, position, or activity; or

(ix) having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the Federal research and development award; and

(B) a program that is sponsored by-

(i) a foreign country of concern or an entity based in a foreign country of concern, whether or not directly sponsored by the foreign country of concern;

(ii) an academic institution on the list developed under section 1286(c)(8) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; [1](https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section19237&num=0&edition=prelim#19237_1_target) Public Law 115–232)[[2]](#footnote-2); or

(iii) a foreign talent recruitment program on the list developed under section 1286(c)(9) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; [1](https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section19237&num=0&edition=prelim" \l "19237_1_target) Public Law 115–232).

1. Countries of particular concern as of November 15, 2021 - Burma, People’s Republic of China, Eritrea, Iran, the Democratic People’s Republic of Korea, Pakistan, Russia, Saudi Arabia, Tajikistan, and Turkmenistan; retrieved from [Countries of Particular Concern, Special Watch List Countries, Entities of Particular Concern - United States Department of State](https://www.state.gov/countries-of-particular-concern-special-watch-list-countries-entities-of-particular-concern/) [↑](#footnote-ref-1)
2. [10 USC Subtitle A, PART V, Subpart E: Research and Engineering (house.gov)](https://uscode.house.gov/view.xhtml?path=/prelim@title10/subtitleA/part5/subpartE&edition=prelim) [↑](#footnote-ref-2)