

Frequently Asked Questions (FAQs)

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General Questions:

1. Q: What is FRRBS?

A1: FRRBS, aka “Ferbs,” or the Fundamental Research Risk-Based Security Review Program, is an analytical risk review process focused on identifying and mitigating undue foreign influence in Department of Defense (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 a risk-based evaluation matrix to assess potential undue foreign influence related Conflicts of Interest or Conflicts of Commitment (CoI/CoC) based on information submitted by researchers as part of their fundamental research grant/cooperative agreement proposals. Researcher information is submitted via the [SF-424 “Senior/Key Personnel Profile \(Expanded\) form](#) and its associated attachments. This information is often referred to as researcher disclosures.

A3: In order to ensure that DARPA’s policy and processes are transparent, we posted reference documents to our public website (<https://www.darpa.mil/work-with-us/for-universities>). In addition, we have updated our Broad Agency/Research/Program Announcement instructions to include FRRBS information for proposers based on the updated Undersecretary of Defense for Research and Engineering (USD(R&E)) and DARPA policies.

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

A: On 29 June 2023, USD(R&E) revised their policy on [Risk-Based Security Reviews of Fundamental Research](#). This new policy updated the evaluation matrix (rubric) utilized when conducting risk-based security reviews and changed the categorization of risk assessments based on the level of risk mitigation required.

- Mitigation Measures Suggested – risk acceptance delegated to Program Manager
- Mitigation Measures Recommended – risk acceptance delegated to Tech Office Director
- Mitigation Measures Required – risk acceptance delegated to Deputy Director, DARPA
- Prohibited – risk acceptance not allowed by law.

DARPA Director (DIRO) may accept identified risk(s) without the submission of a risk mitigation strategy from an institution for any assessment. Risk acceptance will be documented in all cases.

3. Q: Why did DARPA update its policy? Why do policies like this matter?

A1: DARPA has implemented this policy in accordance with the USD(R&E) policy on [Risk-Based Security Reviews of Fundamental Research](#). Crafted with centralization and standardization in mind. DARPA is supporting that goal by adjusting our policy and methodologies to match DoD intent.

A2: As stated in the January 2022, National Science and Technology Council’s (NSTC) Guidance

for Implementing [National Security Presidential Memorandum – 33 \(NSPM-33\)](#) on [National Security Strategy for United States Government-Supported Research and Development](#):

“Some foreign governments... 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.

A3: On 14 February 2024, The White House Office of Science and Technology Policy (OSTP) issued [Guidelines for Federal Research Agencies Regarding Foreign Talent Recruitment Programs](#) in accordance with Section 10631(b) of the CHIPS and Science Act of 2022 (“the Act”), which provided U.S. Government agencies specific instructions prohibiting all personnel from participating in foreign talent recruitment programs.

“This includes federal employees, contract employees, independent contractors, individuals serving under the Intergovernmental Personnel Act of 1970, Visiting Scientist, Engineering, and Educator (VSEE) appointments, and special government employees other than peer reviewers. Federal research agencies may develop further policies for contractor owned and operated or government owned and contractor operated institutions as warranted.”

“Section 10631 of the Act [also] prohibits ‘covered individuals’ from participating in a federally funded research and development project if they are currently participating in a ‘malign foreign talent recruitment program.’”

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

A: Yes, DARPA General Counsel and the DARPA Civil Liberties and Privacy offices have reviewed this policy for compliance with applicable laws and regulations.

5. Q: Does the DARPA FRRBS program only focus on specific government undue foreign influence?

A: No. DARPA FRRBS is focused on undue foreign influence, regardless of origin. There are numerous threats from strategic competitors with a history of targeting U.S. technology for unauthorized transfer. At minimum, countries listed as a “Foreign Country of Concern” (FCOC), defined by 42 USC § 19221(a)(1), are inherently reviewed. Other countries not identified as FCOC are evaluated as needed.

6. 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 reliable 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](#)

7. 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?

A1: International research has been, and must continue to be, a mainstay in the U.S. research ecosystem. The former OSTP Director 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 passionately 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: The Resources section at the end of this FAQ provides some good examples regarding considerations you can undertake when embarking on international research collaborations.

Criteria:

General Rubric:

1. Q: Is this USD(R&E) rubric being applied to all potential performers, or just academic ones?

A: The USD(R&E) rubric is applied to all “covered personnel” regardless of organizational affiliation (academic or industrial). It specifically applies to those identified by the potential performer, of grant or cooperative agreement proposals.

2. Q: FRRBS 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: FRRBS does not put any restrictions on research. FRRBS identifies potential undue foreign influence, 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: DARPA’s FRRBS program works to identify potential risks that could jeopardize the security and integrity of its funded research.

Evaluation Criteria:

3. Q: Will DARPA FRRBS assessments affect the funding of proposals?

A: Selection of an academic institution’s proposal for DARPA programs is separate from – and not influenced by – the Fundamental Research Risk-Based Security Review. Should any concerns be noted during the assessment, which takes place following the scientific review process and selection, the appropriate DARPA technology office leadership will work with the research institution to facilitate an appropriate mitigation strategy and resolve before the final award.

4. Q: Will a “Mitigation Measures Suggested / Recommended / Required” rating disqualify someone from receiving DARPA funding?

A: No. Only an FRRBS rating of “Prohibited” automatically disqualifies anyone. It is DARPA’s intent to work with all potential performers and work to develop a mutually acceptable risk mitigation strategy for all ratings, from “Mitigation Measures Suggested” up to “Mitigation Measures Required.”

5. Q: Can a proposal be awarded even if there is a covered person assessment rated as Mitigation Measures Suggested / Recommended / Required?

A: Yes. A key aspect of our program is providing the sponsoring institution with 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) and is resolved during the negotiation phase of contract awards. 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, or non-concur with the risk acceptance request, in which case DARPA will not make an award.

6. Q: Can a proposal be awarded even if there is a covered person assessment rated as Prohibited?

A: No. Contracts with assessed individuals rated as “prohibited” will not be awarded. However, the institution/organization may remove/replace the “prohibited” individual with another individual who is assessed as “mitigation measures required” or lower with an approved risk mitigation strategy; provided their participation does not significantly degrade the technical feasibility of the proposal in the PM’s opinion. Removal/replacement of the individual is the sole discretion of the institution. There is no waiver for “prohibited” individuals; although, assessments can be appealed to USD(R&E) for application and interpretation of the rubric and policies.

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

A: Yes. However, DAPRA evaluates co-authorships where the co-author has NOT received funding as an “association,” not an affiliation. Co-authorships are evaluated along with all other identified risks to determining an assessment based on the policy rubric. If a co-author HAS received funding from or been employed by a foreign entity/institution, then that relationship is deemed as an “affiliation.”

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

A: The specific context of the publication or conference will determine the saliency for risk assessment. DARPA is committed to being fair and conducting careful, nuanced assessments of the information we have. Co-authorship and serving on a conference panel are both time-honored aspects of academia and in and of themselves are not an exclusionary factor.

9. Q: Are consulting arrangements for covered persons required for disclosure as part of DAPRA proposal submissions under the individual’s Current and Pending support?

A1: 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.

A2: Additionally, NSTC has published updated requirements for reporting of consulting activities that go into effect on **20 May 2024**. See link [here](#) for updated guidance.

10. Q: How will covered 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 covered 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.

Logistics:

1. 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 in alignment with the institution's own policies.

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

A: The sponsoring academic institution/organization, in conjunction with the subject individual will develop the risk mitigation strategy. Collaboration with the DARPA PM and contracting officer (KO) is highly encouraged to ensure a mutually acceptable mitigation strategy is developed in a timely manner. DARPA will, upon request, provide examples of risk mitigation strategies that the institution/organization may utilize in addition to developing their own potential solutions.

3. Q: Does DARPA expect to see a specific management plan for a project that is deemed to be Mitigation Suggested / Recommended / Required? 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 internal management plan. If DARPA assesses that the institution's internal management plan is sufficient, then it would be acceptable. However, additional mitigation strategies are typically needed to fully mitigate all identified risks.

4. Q: How does DARPA expect investigators to disclose details about research collaborations as current and pending support in the SF-424?

A: If a research collaboration provides monetary or in-kind support to an investigator, that support should be disclosed as current and pending support on the SF-424. If the collaboration does not provide monetary or in-kind support to the investigator, it should instead be reported in the Bio Sketch attachment of the SF-424. The [NSTC Implementer Guidance](#) provides guidance on reporting projects as current and pending support. 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. If the collaboration does not include monetary or in-kind contribution, it is instead reported in the Bio-Sketch attachment of the SF-424.”

5. Q: Will DARPA allow research institutions, and their researchers, to submit corrections to inaccurate or incomplete covered personnel SF-424 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 5 business days from that notification.

6. 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.

Definitions:

1. Q: What is National Security Presidential Memorandum 33 (NSPM-33)?

A: NSPM-33 established national security policy for U.S. Government-supported R&D. The purpose of NSPM-33 is to strengthen protections of U.S. Government-supported R&D against foreign government interference and misappropriation, while maintaining an open environment to foster research discoveries and innovation that benefit the United States and the world.

2. Q: What is the Standard Form 424 (SF-424)?

A: The SF-424 is the Application for Federal Assistance. This is a standard form required for use as a cover sheet for submission of pre-applications and applications and related information under discretionary programs.

3. Q: What is “foreign influence?”

A1: While the term has been coined by various federal agencies, there is no consistent definition. Generally, as summarized by [Florida International University](#), “the term refers to a set of actions carried out by a foreign entity against a U.S. party/parties, by which the foreign party positions itself to obtain a benefit not intended for it.”

A2: “Foreign malign influence,” defined by [50 USC § 3059\(e\)\(2\)](#) means: “...any hostile effort undertaken by, at the direction of, or on behalf of or with the substantial support of, the

government of a covered foreign country with the objective of influencing, through overt or covert means— (A) the political, military, economic, or other policies or activities of the United States Government or State or local governments, including any election within the United States; or (B) the public opinion within the United States.”

A3: As defined by the [Federal Bureau of Investigation](#), foreign influence “include(s) covert actions by foreign governments to influence U.S. political sentiment or public discourse.”

A4: Additionally, 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. National Science and Technology Council (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.”

4. Q: How does policy define “covered individual?”

A: Section 10638 of “the Act” defines “covered individual” as “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.”

5. Q: How are Conflict of Commitment (COC) or Conflict of Interest (COI) defined?

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

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

A: These definitions are drawn from USD(R&E) [Risk-Based Security Reviews of Fundamental Research policy](#).

Related policies / related entities:

1. Q: Is DARPA’s policy consistent with other DoD S&T Organization FRRBS policies?

A: Yes. DARPA revised its CFIP policy to the new FRRBS policy upon update from the USD(R&E) Fundamental Research Risk-Based Security Review Policy of June 2023.

2. Q: Why did DARPA replace its Countering Foreign Influence Policy (CFIP) rubric?

A: USD(R&E) published their policy which required DARPA to update their policy and replace the DARPA developed risk assessment rubric with the one mandated in the USD(R&E) policy. This was done to ensure a standardized evaluation of identified risks across the entirety of the DoD. Additionally, new items of concern have been added based on updated law from [Section 10632\(a\)\(1\) of the CHIPS and Science Act of 2022 \(Public Law 117-167\)](#).

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

A: All DoD organizations are now required to utilize the rubric in the USD(R&E) policy for standardization.

4. Q: Will DARPA/DoD be developing its own COI policy like the National Institute of Health (NIH) and the National Science Foundation (NSF)?

A: Not currently.

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

A: Yes. Gifts reported to the Department of Education in accordance with Section 117 do not need to be reported to DARPA. “However, compensation or considerations 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 the expectation of nothing 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.”

External Engagement:

1. Q: How is DARPA engaging the Federal Working Group on this topic that is being led by the OSTP?

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. Once OSTP approves the updated Common Disclosure forms, DARPA will implement use of those forms once USD(R&E) has updated their policy with that requirement.

2. Q: Does DARPA plan to work with OSTP on a digital curriculum vitae (CV) or resume 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 collaborates 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.

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

A1: No. DARPA is aware of various other federal agency programs and has received some topical briefings. 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.

A2: DARPA is collaborating with the NSF and advising/assisting them on development of their policy. DARPA is proud to collaborate with the scientific community to maintain transparency in our process and to help other organizations in compliance with NSPM-33.

Communications:

1. Q: Did the DoD notify academia of its 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 initially conducted outreach with numerous academic associations prior to publishing its policy in 2020. DARPA took note of key themes and concerns, most of which centered on transparency throughout the process. DARPA remains committed to transparency in our FRRBS process and to updating it, as needed, based on new guidance and feedback. When USD(R&E) published their final policy in June 2023, DARPA updated its policy to align with the new requirements in the USD(R&E) policy.

2. Q: What is the general process of risk assessment notification and development of the risk mitigation strategy?

A1: Once the SRO has approved the recommended proposals for funding the technical office director (OD) will coordinate a meeting with the institution VPR and Security Office. This initial contact will disclose the risk assessment and necessity for development of a risk mitigation strategy.

A2: The DARPA PM and KO will work with the institution in negotiating and development of the risk mitigation strategy. Once the strategy has been developed it will be reviewed by the risk acceptance authority (RAA) [see FAQ #2 General Questions] at DARPA and tech office Program Security Officer (PSO) for adequate risk mitigation. If sufficient, the RAA will approve the mitigation strategy; if insufficient, comments will be annotated by the RAA and PSO and sent back to the PM and KO for continued negotiation.

3. Q: Will you provide the results of your assessments to other DoD, intelligence, or law

enforcement agencies?

A: No, DARPA does not share FRRBS assessments with any external organizations except for the institution and individual subject of the assessment. We do include language in Military Interdepartmental Purchase Requests (MIPRs) and contract award vehicles indicating that an assessment has been completed in alignment with USD(R&E) & DARPA policy and that a risk mitigation strategy has been developed and approved. Stipulations in the risk mitigation strategy are included, as necessary, in the MIPR/contract to ensure compliance with the mitigation strategy.

Resources:

1. 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 originates from, and even some of the tactics, techniques, and procedures that could be used to gain access to our technology.