SBIR Disclosure of Foreign Relationships and Cybersecurity Practices Form

Applicant or Recipient Name:
Applicant or Recipient Employer Identification Number (EIN): **UEI if EIN is unavailable:**
Project Title:
Program Director(s)/Principal Investigator(s) (PD[s]/PI[s]) [Name and ORCID ID]:
Other Covered Individuals [Name and ORCID ID]:

Responses to disclosure questions 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 an award between the submitter and the Government.

Relevant Definitions

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.

Note: NOAA considers all key personnel included in the SBIR application to be covered individuals.

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. This includes appointments or positions deemed adjunct, visiting, or honorary with research institutions located in a foreign country of concern.

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. An up-to-date list of countries determined to be countries of concern by the Secretary of State will be maintained and accessible on SBIR.gov at https://www.sbir.gov/foreign_disclosures.

Malign foreign talent recruitment program. The term "malign foreign talent recruitment program" has the meaning given such term in section 19237 of title 42.

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.

Disclosure Questions

1. Is any owner or covered individual of the applicant or recipient party to any malign foreign talent recruitment program?

   ☐ Yes ☐ No

   If yes, disclose the first and last name of each owner or covered individual, identify their role (i.e., owner or covered individual), and the malign foreign talent recruitment program.

2. Is there a parent company, joint venture, or subsidiary, of the applicant or recipient that is based in or receives funding from, any foreign country of concern?

   ☐ Yes ☐ No

   If yes, disclose the name, full address, applicant or recipient relationships (i.e., parent

company, joint venture, or subsidiary) of each entity based in, or funded by, any foreign country of concern.

3. Does the applicant or recipient 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, disclose the name of each enterprise or foreign entity, type of obligation, agreement, or arrangement (i.e., contractual, financial, or other), description of obligation, agreement, or arrangement, and the foreign state(s) and/or the country of the foreign entity (or entities).

4. Is the applicant or recipient wholly owned in a foreign country?

☐ Yes ☐ No

If yes, disclose the foreign country.

5. Does the applicant or recipient have any venture capital or institutional investment?

☐ Yes ☐ No

If yes, proceed to question 5a. If no, proceed to question 6.

5a. Does the investing entity have a general partner or any other individual holding a leadership role who has a foreign affiliation with any foreign country of concern?

☐ Yes ☐ No ☐ Unable to determine

If yes or unable to determine, disclose the venture capital or institutional investing entity's name, the percentage of ownership obtained by the investing entity, and the type of investment (i.e., equity, debt, or combination of equity and debt).

6. During the previous 5-year period, did the applicant or recipient have any technology licensing or intellectual property sales or transfers, to a foreign country of concern?

☐ Yes ☐ No

If yes, disclose the name, address, and country, of the institution or entity that licensed, purchased, or received the technology or intellectual property.

7. Is there any foreign business entity, offshore entity, or entity outside the United States related to the applicant or recipient?

☐ Yes ☐ No

If yes, disclose the entity name, relationship type (i.e., foreign business entity, offshore entity, entity outside the United States), description of the relationship to the applicant or recipient, and entity address and country.

8. Does the applicant or recipient have an owner, officer, or covered individual that has a foreign affiliation with a research institution located in a foreign country of concern?

☐ Yes ☐ No

If yes, disclose the first and last name of each owner, officer, or covered individual that has a foreign affiliation with a foreign country of concern, identify their role (i.e., owner, officer, or covered individual), and the name of the foreign research institution and the foreign country of concern where it is located.

Cybersecurity Disclosure

Does the applicant or recipient have an information technology and information safeguarding plan to ensure: (1) covered individuals receive initial and recurring information technology and safeguarding training; (2) covered individuals and entities are applying information technology and safeguarding protocols consistent with federal cybersecurity frameworks (e.g., see https://www.acquisition.gov/far/52.204-21 or, Small Business Information Security: the Fundamentals (nist.gov); (3) covered individuals and entities are applying additional information security controls, as required, for those projects that may lead to export-controlled technology or involve large quantities of sensitive data; and (4) covered individuals and entities are not using USG prohibited information technology entities **and** (5) self-inspections are conducted to ensure compliance with the information technology an information safeguarding plan.

☐ Yes ☐ No

If no, please indicate how the applicant or recipient will ensure the information technology and information safeguarding best practices, including cybersecurity frameworks, are followed.

Patent/IP Disclosure:

List of Patent(s) and/or Intellectual Property Agreement(s) held by the Small Business Concern (SBC) or Covered Individuals related to the proposed work:

Certification

I understand that the information submitted may be given to Federal, State, and local agencies for determining violations of law and other purposes. I am an officer of the business concern, authorized to represent it and sign this certification on its behalf. By signing this certification, I am representing on my own behalf, and on behalf of the business concern, that the information provided in this certification, the application, and all other information submitted in connection with this application, is true and correct as of the date of submission. I acknowledge that any intentional or negligent misrepresentation of the information contained in this certification may result in criminal, civil, or administrative sanctions, including but not limited to: (1) fines, restitution, and/or imprisonment under 18 U.S.C. § 1001; (2) treble damages and civil penalties under the False Claims Act (31 U.S.C. § 3729 et seq); (3) double damages and civil penalties under the Program Fraud Civil Remedies Act (31 U.S.C. §3801 et seq); (4) civil recovery of award funds; (5) suspension and/or debarment from all Federal procurement and nonprocurement transactions (FAR Subpart 9.4 or 2 C.F.R. part 180; and (6) other administrative penalties including termination of SBIR/STTR awards.

Date:

Printed Name (First, Middle, Last):

Title:

Organization Name:

E-Signature

Important: Once you add your Adobe e-signature, you cannot change your responses.