

## Appendix 6

### FOREIGN DISCLOSURE

#### Due Diligence for Foreign Influence

The SBIR and STTR Extension Act of 2022 (<https://www.congress.gov/bill/117th-congress/senate-bill/4900/text>) reauthorizes through FY2025 and modifies the Small Business Innovation Research (SBIR) program.

The bill requires agencies with an SBIR program to assess the security risks presented by offerors with financial ties or obligations to certain foreign countries. The programs may not make awards to businesses with certain connections to foreign entities. To comply with this requirement, the program will require all offerors being considered for award under this solicitation to complete the following disclosure form disclosing ties to the People's Republic of China and other foreign countries prior to award and as needed during the life of the funding agreement.

After completion of the proposal evaluation process, the EPA may request the following information from an offeror being considered for award. Note this information is **not** due with the proposal.

Small businesses are encouraged to disclosure information related to foreign involvement or investment in response to the standardized disclosures. This disclosure does not independently disqualify an applicant.

1) The following additional information for key personnel (PI and Business Representative).

- Full name
- Date of birth
- Home address and
- Company name and business address

2) A completed foreign disclosure form.

**Appendix 6**

**FOREIGN DISCLOSURE**

**Information for Key Personnel**

**PI Information**

Full Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Home Address: \_\_\_\_\_

Company Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

**Business Representative Information**

Full Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Home Address: \_\_\_\_\_

Company Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

## Required Disclosures of Foreign Affiliations or Relationships to Foreign Countries

### 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.

**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.

**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.

**Applicant or awardee Name:** \_\_\_\_\_

**Applicant or awardee EIN (UEI if EIN is unavailable):** \_\_\_\_\_

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.

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.

### Disclosure Questions

1. Is any owner or covered individual of the applicant or awardee 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 awardee that is based in, or funded by, any foreign country of concern?

☐ Yes ☐ No

If yes, disclose the name, full address, applicant or awardee 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 awardee 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 each name of the 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 or foreign entity country.

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

☐ Yes ☐ No

If yes, disclose the foreign country.

5. Does the applicant or awardee 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 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 investment entity name, and the percentage of ownership obtained by the 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 awardee 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 intellectual property.

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

☐ Yes ☐ No

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

8. Does the applicant or awardee 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, 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.