



THE UNDER SECRETARY OF DEFENSE

3030 DEFENSE PENTAGON
WASHINGTON, DC 20301-3030

MAR 20 2019

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND
SUSTAINMENT
ASSISTANT SECRETARY OF DEFENSE FOR ACQUISITION
SERVICE ACQUISITION EXECUTIVES
SPECIAL OPERATIONS COMMAND

SUBJECT: Actions for the Protection of Intellectual Property, Controlled Information, Key Personnel and Critical Technologies

The National Defense Authorization Act (NDAA) for FY 2019, Section 1286, pages 443-445, directs the Secretary of Defense to establish an initiative to work with academic institutions who perform defense research and engineering activities:

1. To 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.

I direct that Department of Defense (DoD) Grants Managers and other personnel supporting the award and administration of grants, cooperative agreements, Technology Investment Agreements, and other non-procurement transactions shall take the following actions for all research and research-related educational activities supported by these types of DoD instruments.

1. Thirty business days after the date of this issuance, all new DoD Notices of Funding Opportunities (NFOs) pertaining to research and research-related educational activities shall include the following requirements:
 - a. Proposers shall submit the below information for all key personnel, whether or not the individuals' efforts under the project are to be funded by the DoD:
 - A list of all current projects the individual is working on, in addition to any future support the individual has applied to receive, regardless of the source.
 - Title and objectives of the other research projects.
 - The percentage per year to be devoted to the other projects.
 - The total amount of support the individual is receiving in connection to each of the other research projects or will receive if other proposals are awarded.
 - Name and address of the agencies and/or other parties supporting the other research projects.
 - Period of performance for the other research projects.

2. This information shall be included in the Senior Key Person Profile form included in the NFO. This collection only applies to persons identified as key personnel. This information shall not be included in the overall proposal page limits. The NFO shall notify proposers that failure to submit this information may cause the proposal to be returned without further review, and that the DoD reserves the right to request further details from a proposer before making a final determination on funding the effort.
3. For all other types of grants, the capture of the above information is optional.

This information will be used to support protection of intellectual property, controlled information, key personnel, and information about critical technologies relevant to national security. Additionally, this information will be used to limit undue influence, including foreign talent programs, by countries that desire to exploit United States' technology within the DoD research, science and technology, and innovation enterprise.

Title 2 of the Code of Federal Regulations (2 CFR) Section (§) 200.206, as implemented by the DoD through 2 CFR § 1103.100, requires the DoD to only collect information in grant applications using information collection forms approved by the Office of Management and Budget (OMB). OMB has approved the use of Standard Form (SF) 424 Research and Related (R&R) OMB number 4040-001 as the grant application information collection vehicle. DoD policy is to use this suite of forms for proposals submitted in response to DoD research funding opportunities. Components have the ability to select the "optional forms." One of the optional forms in this approved suite of forms is the "Senior/Key Person Profile (Expanded)" form that includes a section for agencies to collect Current and Pending Support efforts for identified persons. DoD components shall use this optional form to collect the information directed above.

My point of contact for this action is the DoD Grants Policy Manager, Barbara Orlando, at 571-372-6413 or barbara.j.orlando.civ@mail.mil.



Michael D. Griffin