



# Current and Pending Support Disclosure Guidance

Applicants, selectees, and recipients must submit current and pending disclosures and/or changes or updates to their current and pending support disclosures that were previously submitted. The following guidance is provided to assist in preparing this information.

This requirement is based on the [Department of Energy's Financial Assistance Letter No. FAL 2022-04](#), dated June 1, 2022.

## What is current and pending support?

Current and pending support is a term generally used by Federal agencies to request the submission of information for recipient and subrecipient senior/key personnel's active and pending review or award research funding. This includes the resources made available to key personnel or other senior staff, in support of and/or related to all of their research, development, and demonstration efforts, regardless of whether or not they have monetary value.

Current and pending support includes:

- A.** All resources made available, or expected to be made available from outside sources in support of the individual's Research, Development, and Demonstration (RD&D) efforts, regardless of
  - i.** whether the source is foreign or domestic;
  - ii.** whether the resource is made available through the entity applying for an award or directly to an individual; or
  - iii.** whether the resource has monetary value; and
- B.** In-kind contributions requiring a commitment of time and directly supporting the individual's RD&D, such as the provision of office or laboratory space, equipment, supplies, employees, or students.

This term has the same meaning as the term "Other Support" as applied to researchers in National Security Presidential Memorandum-33 (NSPM-33). For researchers, "Other Support" includes all resources made available to a researcher in support of and/or related to all of their professional research, development, and demonstration efforts, including resources provided directly to the individual or through the organization, and regardless of whether or not they have monetary value (e.g., even if the support received is only in-kind, such as office/laboratory space, equipment, supplies, or employees).

Information must be provided about all current and pending support, including for this project, for ongoing projects, and for any proposals currently under consideration from whatever source, irrespective of whether such support is provided through the proposing organization or is provided directly to the individual. Sources include, for example, Federal, State, local, foreign, public or private foundations, nonprofit organizations, industrial or other commercial organizations, or internal funds allocated toward specific projects. Concurrent submission of a proposal to other organizations will not prejudice its review by DOE, if disclosed.

*This guidance document does not supersede Federal laws and regulations. This OCED guidance document is for informational purposes only and is not a requirements document. If there are inconsistencies between this OCED guidance document and any specific program or project document, the specific OCED program or project document should be relied upon as it is the controlling document.*

## What is the purpose of submitting current and pending support disclosures?

Current and pending support is intended to allow the identification of potential duplication, overcommitment, potential conflicts of interest or commitment, and all other sources of support. All senior/key personnel at the recipient and subrecipient level must provide a list of all sponsored activities, awards, and appointments, whether paid or unpaid; provided as a gift with terms or conditions or provided as a gift without terms or conditions; full-time, part-time, or voluntary; faculty, visiting, adjunct, or honorary; cash or in-kind; foreign or domestic; governmental or private-sector; directly supporting the individual's RD&D efforts or indirectly supporting the individual by supporting students, research staff, space, equipment, or other RD&D expenses. All senior/key personnel involved in the project must disclose all other foreign or domestic government or non-profit support of the work to be done under the award. All involvement with malign foreign talent recruitment programs must be identified in current and pending support.

## What needs to be included in the current and pending support disclosure submission?

For every sponsored or supported activity, award, and appointment list the following items:

- ▶ The sponsor of the activity or the source of funding.
- ▶ The award or other identifying number.
- ▶ The title of the award or activity. If the title of the award or activity is not descriptive, add a brief description of the research being performed that would identify any overlaps or synergies with the proposed research.
- ▶ The total cost or value of the award or activity, including direct and indirect costs and cost share. For pending proposals, provide the total amount of requested funding.
- ▶ The award period (start date – end date).
- ▶ The person-months of effort per year being dedicated to the award or activity.

To identify overlap, duplication of effort, or synergistic efforts, include a description of the other award or activity to the current and pending support statement.

Details of any obligations, contractual or otherwise, to any program, entity, or organization sponsored by a foreign government must be provided to DOE upon request. Supporting documentation of any identified foreign government source of support must be provided to DOE on request, including certified translations of any document.

Each senior/key personnel must provide a separate disclosure statement listing the required information above regarding current and pending support. The individual must sign and date their respective disclosure statement and include the following certification statement:

*I, [Full Name and Title], certify to the best of my knowledge and belief that the information contained in this Current and Pending Support Disclosure Statement 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 further understand and agree that:*

- (1) the statements and representations made herein are material to DOE's funding decision, and*
- (2) I have a responsibility to update the disclosures during the period of performance of the award should circumstances change which impact the responses provided above.*

*I also certify that, at the time of submission, I am not a party in a malign foreign talent recruitment program.*

## When do current and pending support disclosures need to be submitted?

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If required by the Notice of Funding Opportunity, current and pending support disclosures must be submitted as part of the application prior to selections for award negotiations.

If an application is selected for award negotiations, the Grants and Agreements Officer will direct selectees to submit the following information:

1. current and pending support disclosures and resumes for a new Project Director or any new senior/key personnel, and
2. updated disclosures if there have been any changes to the current and pending support submitted with the application.

Recipients must ensure submission of current and pending support disclosures and resumes for any new senior/key personnel at the recipient and subrecipient level that will be added to a project funded under an award and receive DOE approval of an individual prior to the individual starting work on the project. In addition, if there are any changes to current and pending support disclosures previously submitted for senior/key personnel, recipients must ensure that updated current and pending disclosure statements are submitted within 30 calendar days of the change.

## Who are considered Senior or Key Personnel?

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An individual who contributes in a substantive, meaningful way to the scientific development or execution of a Research, Development and Demonstration (RD&D) project proposed to be carried out with a DOE award.<sup>1</sup> For purposes of OCEC awards, senior/ key personnel means those individuals identified whose positions are essential to the successful implementation of a DOE award. These individuals include the Project Manager and other key personnel for the recipient and all subrecipients.

## What is a Malign Foreign Talent Recruitment Program?

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A Malign Foreign Talent Recruitment Program is:

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—

1. 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;
2. being required to recruit trainees or researchers to enroll in such program, position, or activity;
3. 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;
4. being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;
5. 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;

6. 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;
7. 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;
8. 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
9. having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the federal research and development award; and

A program that is sponsored by—

1. 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;
2. 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;<sup>1</sup> Public Law 115–232); or
3. 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;<sup>1</sup> Public Law 115–232).

*<sup>1</sup> Typically, these individuals have doctoral or other professional degrees, although individuals at the masters or baccalaureate level may be considered senior/key personnel if their involvement meets this definition. Consultants, graduate students, and those with a postdoctoral role also may be considered senior/key personnel if they meet this definition.*