



# Current and Pending Support Disclosure Guidance

When required for a selected project, the selectee must submit current and pending disclosures and/or changes or updates to its current and pending support disclosures that were previously submitted as part of its application. The following guidance is provided to assist selectees in preparing this information during award negotiations.

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 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 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, to a prime or subrecipient organization from outside sources in support of the proposed project 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 project efforts, 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. This includes, for example, Federal, State, local, foreign, public, or private foundations, non-profit 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 research or indirectly supporting the individual by supporting students, research staff, space, equipment, or other research 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 foreign government-sponsored 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.*



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

If selected for award negotiations, the Grants and Agreements Officer will direct you when 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.

If required by the Funding Opportunity Announcement, current and pending support disclosures may be submitted as part of the application prior to being selected for award negotiations.

## Who are considered Senior or Key Personnel?

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 DOE award.<sup>1</sup> For purposes of this award, 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 prime recipient and all subrecipients.

## What is a Foreign Government-Sponsored Talent Recruitment Program?

A Foreign Government-Sponsored Talent Recruitment Program means an effort directly or indirectly organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students (regardless of citizenship or national origin, or whether having a full-time or part-time position).

Some foreign government-sponsored talent recruitment programs operate with the intent to import or otherwise acquire from abroad, sometimes through illicit means, proprietary technology or software, unpublished data and methods, and intellectual property to further the military modernization goals and/or economic goals of a foreign government.

Many, but not all, programs aim to incentivize the targeted individual to relocate physically to the foreign state for the above purpose. Some programs allow for or encourage continued employment at United States research facilities or receipt of federal research funds while concurrently working at and/or receiving compensation from a foreign institution, and some direct participants not to disclose their participation to United States entities. Compensation could take many forms including cash, research funding, complimentary foreign travel, honorific titles, career advancement opportunities, promised future compensation, or other types of remuneration or consideration, including in-kind compensation.

*1. 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.*