

This format is provided for the convenience of the entity providing the disclosure and certification; however, the entity is not required to use this specific format. If another format is used, the signatory must include the same substantive information, a signature, date, and the certification statement provided in Section 3 below.

DEPARTMENT OF ENERGY TRANSPARENCY OF FOREIGN CONNECTIONS DISCLOSURE AND CERTIFICATION

For the Authorized Official of the entity (required for both the recipient and subrecipients)

The following information is required as part of the Department of Energy's (DOE) research, technology and economic security due diligence review process. Each entity must disclose the following information as it relates to its respective entity. Include a separate disclosure and signed certification for each entity at the recipient and subrecipient level.

All items below require a response, unless exempt by entity type. If supplemental documentation is provided, identify the applicability to each item below. Supplemental information, including links to financial statements or annual reports, is not a replacement for responses. If you have nothing to report for a specific item, include "Nothing to Report" for that item.

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 United States Government. See Appendix B for information on how to identify confidential information.

Save each TFC in a single file using the following convention for the title:
"BusinessSensitive_AwardNumber_EntityName(Prime or Sub)_TFC".

DOE reserves the right to request additional or clarifying information based on the information submitted.

Disclosure exceptions by entity type:

- DOE National Laboratories and domestic government entities are not required to respond to the Transparency of Foreign Connections disclosure.
- Institutions of higher education are only required to respond to items with an asterisk symbol (*).
- The applicability of the disclosure requirements is determined by the entity type. Regardless of whether the recipient is exempt, the subrecipient(s) must provide these disclosures unless the subrecipient is also exempt.

Questions: Contact rtesinfo@hq.doe.gov

Section 1. Identifying Information

a. Complete Legal Name of the Entity*	
b. Entity's Unique Entity ID (UEI)*	
c. Entity's Website Address (link)*	
d. Entity's Mailing Address*	.
e. Entity's Physical Address*	
f. Entity's Business Point of Contact (POC) Name*	
g. POC Phone Number*	
h. Project Title*	
i. Proposal # or Award #*	

Section 2. Disclosure of Foreign Connections

1. Malign Foreign Talent Recruitment Program

*Is any principal investigator, project manager, or other covered individual, or business owner, officer party to a Malign Foreign Talent Recruitment Program (MFTRP)? ☐ Yes ☐ No

*If yes, provide the following information: Full name, position, role in the project, name of the MFTRP, and dates of participation.

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2. Ownership Structure

- a. Provide a complete capitalization table for your entity, including all equity interests (including LLC and partnership interests, as well as derivative securities). Include both the number of shares issued to each equity holder, as well as the percentage of that series and of all equity on a fully diluted basis. Identify the principal place of incorporation (or organization) for each equity holder. If the equity holder is a natural person, identify the citizenship(s).
 - If the recipient or subrecipient is a publicly traded company, provide the above information for shareholders with an interest greater than five percent.

- b. For any owner/investor identified that is an investment fund utilizing a general partner structure, identify: 1) the general partner or equivalent individual/entity; and 2) the place of incorporation and principal place of business if the general partner is an entity OR citizenship(s) if the general partner is a natural person.
- c. Provide an entity chart (including ownership percentages and officers) to illustrate the relationship between your entity, your entity's immediate parents, intermediate parents, ultimate parents, and any subsidiaries.
- i. For your entity's ultimate parent, please identify all owners with greater than a five percent ownership interest.
 - ii. For entities, please identify the locations of incorporation and principal places of business. For individuals, please identify countries of citizenship.
- d. Are any entities, owners, or investors within your entity's ownership chain identified on the Bureau of Industry and Security Entity List (search via [Consolidated Screening List](#) and select "Entity List" for "Source"), [Department of Defense 1260H List](#), and/or Department of the Treasury [Office of Foreign Assets Control Treasury's Specially Designated Nationals list](#)? ☐ Yes ☐ No

If yes, identify entity, owner or investor and the specific list.

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- e. Provide a summary table identifying all rounds of financing, the purchase dates, the investors for each round, and all of the associated governance and information rights obtained by investors during each round of financing.
3. Is your entity wholly or partially owned by an entity incorporated or otherwise formed in a foreign country of concern or foreign state-owned entity? ☐ Yes ☐ No

If yes, disclose the entity name, full address, and percentage of ownership.

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4. Is there a parent company, joint venture, or subsidiary, of your entity that is based in or receives funding from any foreign country of concern? ☐ Yes ☐ No

If yes, disclose the entity name, full address, applicant or awardee relationships (i.e., parent company, joint venture, subsidiary, etc.) of each entity based in, or funded by, any foreign country of concern.

5. Does your entity have any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an entity based in, or funded by, any foreign country of concern? ☐ Yes ☐ No

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

5a. Is the obligation, agreement, or arrangement connected to the project identified in Section 1?

☐ 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).

6. Does your entity have any venture capital or institutional investment? ☐ Yes ☐ No

If yes, proceed to question 6a. If no, proceed to question 7.

6a. Does the investing entity have a general partner or any other individual holding a leadership role who has a foreign affiliation with a 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).

7. *During the previous 5-year period, did your entity have any technology licensing or intellectual property sales or transfers to a foreign country of concern? ☐ Yes ☐ No

If yes, proceed to question 7b. If no, proceed to question 8.

*7b. Was the underlying technology in the same technology area (e.g., batteries, biotechnology, grid, energy generation and storage, advanced computing) as the project identified in Section 1? ☐ 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.

8. Is there any foreign business entity, offshore entity, or entity outside the United States related to your entity? ☐ 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 awardee, and entity address and country.

9. Provide a complete list of all directors (and board observers), including their full name, shareholder affiliation, date of appointment, voting rights, citizenship, duration of term, as well as a description of observer rights as applicable. *This list may be submitted as an attachment.*

10. Does your entity, whether as borrower, surety, guarantor, or other, have any indebtedness, liabilities, or obligations to an entity based in, or funded by, any foreign country of concern? ☐ Yes ☐ No

If yes, disclose the name of the entity and the details of the obligation.

11. *Will the project identified in Section 1 include any of the following? ☐ Yes ☐ No

- Unmanned aircraft, control, and communications components originally made or manufactured in a foreign country of concern (including relabeled or rebranded equipment).
- Coded equipment where the source code is written in a foreign country of risk.
- Equipment from a foreign country of concern that will be connected to the internet or other remote communication system.
- Equipment used on the project after delivery where any entity or individual based in a foreign country of concern will have physical or remote access to any part of the equipment.

If yes, disclose the name and address of the supplier, and the item proposed for use on the project:

Section 3. Certifications

Individuals participating in a Malign Foreign Talent Recruitment Program are prohibited from participating in a DOE award. The recipient and the subrecipients must certify that 1) the covered individuals in their respective employment have been made aware of the Malign Foreign Talent Recruitment Program prohibition and 2) the individuals have complied with their responsibilities to annually certify they are not party to a Malign Foreign Talent Recruitment Program.

I am providing this disclosure and certification on behalf of the above-mentioned entity as part of my responsibilities as the entity's authorized official for the above-mentioned project. I certify to the best of my knowledge and belief that the information contained in this document is true, complete, and accurate.

I further certify that 1) the covered individuals in their respective employment have been made aware of the Malign Foreign Talent Recruitment Program prohibition and 2) the covered individuals have complied with their responsibilities to certify they are not party to a Malign Foreign Talent Recruitment Program.

I understand any false fictitious, or fraudulent information, misrepresentations, half-truths, or omissions of 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 in this document are material to DOE's funding decision; (2) in the event DOE issues an award, should I later learn during the life of the award that an individual participating in the project funded under the award is or is reasonably believed to be involved with a Malign Foreign Talent Recruitment Program, I must notify the cognizant DOE/NNSA Grants Officer within five business days on learning such information; and (3) I have an ongoing responsibility to update the disclosures provided above during the period of performance of the award if there is any change to a disclosure.

Authorized Official:	Title:
Signature:	Date:

Appendix A. Definitions

1. **Covered Individual.** The Department of Energy (DOE) has designated individuals who contribute in a substantive, meaningful way to the project proposed to be carried out with an award from DOE, at both the prime and subrecipient levels. Often, these individuals have doctoral or other professional degrees, although individuals at the master's or PhD level may be considered covered individuals if their involvement meets this definition. Consultants, graduate students, and those with a postdoctoral role also may be considered covered individuals if they meet this definition. Consult the Notice of Funding Opportunity or Award Terms and Conditions, as applicable, for the relevant definition of "covered individual."

2. **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, and including countries of risk designated by the Department.

3.

4. **Malign Foreign Talent Recruitment Program.** As defined in [P.L. 117-167, Section 10638 \(4\)](#), the term "malign foreign talent recruitment program" means:

(A) 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 –

- (i) 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;
- (ii) being required to recruit trainees or researchers to enroll in such program, position, or activity;
- (iii) 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;
- (iv) being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;
- (v) 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;

- (vi) 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;
- (vii) 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;
- (viii) 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
- (ix) having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the Federal research and development award; and

(B) a program that is sponsored by—

- (i) 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.
- (ii) 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 \(10 U.S.C. 2358 note; 1 Public Law 115–232\)](#); or
- (iii) 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 \(10 U.S.C. 2358 note; 1 Public Law 115–232\)](#).

Appendix B. Identification of Confidential Information

If the response includes business sensitive information (e.g., commercial or financial information that is privileged or confidential), trade secrets, proprietary, or otherwise confidential information in their or otherwise confidential information, it is furnished to the federal government (government) in confidence and such information will be withheld from public disclosure to the extent permitted by law, including the Freedom of Information Act. In accordance with 10 CFR part 1004, DOE will make its own determination about the confidential status of the information and treat it according to its determination.

The response must be marked “confidential” and clearly and conspicuously identify the business sensitive, trade secrets, proprietary, or otherwise confidential information in accordance with the instructions below. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under the Freedom of Information Act or otherwise. The government is not liable for the disclosure or use of unmarked information and may use or disclose such information for any purpose as authorized by law.

The first page of the response must be marked as follows and identify the specific pages business sensitive, trade secrets, proprietary, or otherwise confidential information:

Notice of Restriction on Disclosure and Use of Data:

Pages [list applicable pages] of this document may contain business sensitive, trade secrets, proprietary, or otherwise confidential information that is exempt from public disclosure. Such information shall be used or disclosed only for evaluation purposes or in accordance with a financial assistance agreement between the submitter and the government. The government may use or disclose any information that is not appropriately marked or otherwise restricted, regardless of source. [End of Notice]

In addition, (1) the header and footer of every page that contains business sensitive, trade secrets, proprietary, or otherwise confidential information must be marked as follows: “Contains Business Sensitive, Trade Secrets, Proprietary, or Otherwise Confidential Information Exempt from Public Disclosure,” and (2) every line or paragraph containing such information must be clearly marked with double brackets or highlighting. DOE will make its own determination about the confidential status of the information and treat it according to its determination.