

# NASA Information and Assurances Regarding Restrictions on Funding Activities with the People's Republic of China

Project Title: \_\_\_\_\_

Project Sponsor: NASA \_\_\_\_\_

Proposal/Award Number: \_\_\_\_\_

Principal Investigator(s): \_\_\_\_\_

Language included in recently enacted Appropriations Acts, including Public Law 112-10, Sec. 1340(a) and Public Law 112-55, Sec. 539, restricts NASA from using any funding appropriated under the acts "to develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company..." including efforts undertaken under a "no-exchange of funds" arrangement.

NASA guidance issued in February of 2012 defines China or Chinese-owned company as the "People's Republic of China, any company owned by the People's Republic of China, or any company incorporated under the laws of the People's Republic of China". NASA guidance further notes that the restriction applies at the prime recipient level as well as any subrecipient level to awards, grants and cooperative agreements that used funding that was appropriated on or after April 25, 2011 either as a new award or added to an existing award through an amendment or modification. It does not apply to the purchase of commercial or non-developmental items.

The Appropriations Acts do not expressly restrict the use of NASA funds to support Chinese national students or visiting scientists. Rather, the restriction focuses on the existence of an individual's affiliation with China or a Chinese-owned company, regardless of the citizenship or location of the affiliated project participant. The previously mentioned guidance notes that Chinese national participation in projects may trigger a review on a case-by-case basis by NASA grant and technical officers prior to awarding or renewing grants or cooperative agreements.

## **Restriction on Funding Activities with China for Awards Subject to 14 CFR § 1273 (DEVIATION FEB 2012)**

- (a) Pursuant to The Department of Defense and Full-Year Appropriation Act, Public Law 112-10, Section 1340(a); The Consolidated and Further Continuing Appropriation Act of 2012, Public Law 112-55, Section 539; and future-year appropriations (hereinafter, "the Acts"), NASA is restricted from using funds appropriated in the Acts to enter into or fund any grant or cooperative agreement of any kind to participate, collaborate, or coordinate bilaterally with China or any Chinese-owned company, at the prime recipient level or at any subrecipient level, whether the bilateral involvement is funded or performed under a no-exchange of funds arrangement.
- (b) Definition: "China or Chinese-owned Company" means the People's Republic of China, any company owned by the People's Republic of China, or any company incorporated under the laws of the People's Republic of China.
- (c) The restrictions in the Acts do not apply to commercial items of supply needed to perform a grant or cooperative agreement.
- (d) Subaward – The recipient shall include the substance of this provision in all subawards made hereunder.

It is necessary to request the following information and assurances in order to ensure that Clemson University is fully compliant with these funding restrictions. If you have any questions regarding these restrictions or require any assistance with the following questions, please contact Diana Thrasher, NASA Grants Administrator, at 656-6444 or Tami Hemingway, Export Control Officer, at 656-4084.

Please list all project participants and country(ies) of citizenship

Name: \_\_\_\_\_ Citizenship(s): \_\_\_\_\_

Name: \_\_\_\_\_ Citizenship(s): \_\_\_\_\_

Name: \_\_\_\_\_ Citizenship(s): \_\_\_\_\_

Name: \_\_\_\_\_ Citizenship(s): \_\_\_\_\_

Name: \_\_\_\_\_ Citizenship(s): \_\_\_\_\_

## Questionnaire

You may find the NASA PRC FAQ helpful

<http://science.nasa.gov/researchers/sara/faqs/prc-faq-roses-2012/>

1. Does this project involve participation, collaboration or coordination with an entity of the People's Republic of China, any company owned by the People's Republic of China or any company incorporated under the laws of the People's Republic of China? This may include institutions of higher education.

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please include the name of the entity, its role in the project and whether it is a Chinese government entity or a Chinese company.

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2. Are any of the project participants, regardless of citizenship and including but not limited to Clemson personnel, affiliated with China or a Chinese-owned company?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please list the name of the project participant and the nature of his or her affiliation with China or a Chinese-owned company.

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3. Will any Chinese nationals participate in this project?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please include the name and the role of this person in the project.

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Additional questions to be completed by Chinese National Participants:  
(Please complete this page separately for each proposed Chinese National Participant)

- a) Are you currently enrolled in any degree programs other than Clemson? If so, please list.
  
- b) What is the source of your funding or scholarship(s) for your studies/research at Clemson (including all private foundations, government funding or other scholarships or stipends)?
  
- c) Are you affiliated with, employed by or funded by any Chinese-owned company incorporated in PRC? If so, please list.
  
- d) Are you currently affiliated with any Chinese Universities? If so, please list and describe affiliation.
  
- e) Are you currently affiliated with the Chinese Government or Military unit? Please note if you are currently on Leave of Absence from Government or Military.

I attest the above information to be true and accurate to the best of my knowledge:

Chinese National Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Acknowledgement and Certification:**

I hereby acknowledge that the sponsor of the referenced project has imposed the restriction provided above. I certify that I have read and understand this restriction and the guidance provided above. I further certify that, to the best of my knowledge, neither I nor any other Clemson University personnel involved in this project are engaged in activities or have affiliations that would prevent Clemson University from complying with this restriction.

\_\_\_\_\_  
Principal Investigator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Export Control Officer

\_\_\_\_\_  
Date

## Procedure for NASA Funding Restrictions on Funding Activities with the People’s Republic of China

Revised 08/27/12

Action Sequence	Action Description	Responsible	Notes
	When proposal is submitted to NASA		General reasons: <ul style="list-style-type: none"> <li>Sponsor guidelines require certification</li> </ul>
1.	PI indicates on page one of the proposal processing form he or she is submitting a proposal to NASA that requires assurance of NASA funding restrictions.	PI, CGC	Proposal processing form can be found at: <a href="http://www.clemson.edu/research/sponsored/forms.html">http://www.clemson.edu/research/sponsored/forms.html</a>
2.	PI will fill out the NASA’s Assurance of Compliance document in proposal development stage, and return with the processing form to the CGC.	PI, CGC	Document title: <i>NASA Information, Acknowledgment and Certification on NASA Funding Restrictions on Funding Activities with the People’s Republic of China</i> can be found at: <a href="http://www.clemson.edu/research/sponsored/policies.html">http://www.clemson.edu/research/sponsored/policies.html</a>
3.	NASA’s Assurance of Compliance document will be sent by the PI or CGC to all subawards and consultants listed in the proposal to be returned with the subawards/consultant proposal paperwork.	PI, CGC	Document title: <i>NASA Information, Acknowledgment and Certification on NASA Funding Restrictions on Funding Activities with the People’s Republic of China</i> can be found at: <a href="http://www.clemson.edu/research/sponsored/policies.html">http://www.clemson.edu/research/sponsored/policies.html</a>
4.	CGC verifies the PI/co-investigator(s)/ subaward/consultant NASA Information is completed. The NASA Assurance of Compliance document is sent to Tami Hemingway, Export Control Officer @ <a href="mailto:theming@clemson.edu">theming@clemson.edu</a> for review, and approval.	CGC, PI, ECO	Approval package contains: Completed Information, Acknowledgment and Certification on NASA Funding Restrictions on Funding Activities with the People’s Republic of China <ol style="list-style-type: none"> <li>Project Title</li> <li>Project Sponsor</li> <li>Proposal Number</li> <li>Principal Investigator(s):</li> <li>Principal Investigator signature</li> <li>Co-principal Investigator(s) signature</li> <li>Subaward and/or consultant acknowledgement and certification</li> </ol>
5.	Export Control Officer, and/OSP-GA will review and contact PI if additional information is needed.	CGC, OSP-GA, CU AOR	CGC and PI will be notified ECO or GCA and CU AOR if proposal is/is not eligible for submission.
6.	If project is awarded, OSP-GA will verify with PI, subaward(s) and consultants the information submitted during the proposal stage is current and accurate. After final review of EXO, the award package will be sent to GCA-FM for account set-up.	OSP-GA, EXO, GCA-FM	
7.	No cost extensions, modifications, or additional funding will be processed in the same manner as step 6.	OSP-GA, EXO, GCA-FM	

OSP-GA = Office of Sponsored Programs Grants Administrator  
CU AOR = Clemson University Authorized Organization Representative  
CGC= College Grant Coordinator  
CFM= College Fiscal Manager/College Accountants  
Dept. Adm. = Departmental Administrator  
Dept. Ch. = Department Chair  
EXO = Export Control Officer

GCA-FM = Grants and Contracts Administration Fiscal Manager  
GCA- Director = Grants and Contracts Administration Director  
PI = Principal Investigator  
CUOSP= OSP general office email address  
ADR=Associate Dean for Research  
ABO=VPR’s Associate Business Officer