

Attachment 3

Language to Incorporate in Subawards under NASA Prime Awards

Restrictions on Funding Activities with China

(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 ("restricted funding") to enter into or fund any grant or cooperative agreement of any kind to participate, collaborate, or coordinate bilaterally with China, any Chinese-owned company (including any Chinese college or university), or any person affiliated with one of these entities (an "Affiliated Person"), 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) Definitions:

"Affiliated Person" has not been formally defined by NASA. For purposes of this clause, please treat an Affiliated Person as including any personnel working on a project that:

- Has, or is expected to have, a relationship (paid or unpaid) which will involve the performance of work with the Chinese government or a Chinese-owned company (including any Chinese college or university), which will involve the performance of work by the individual on behalf of the Chinese government or a Chinese-owned company (including any Chinese college or university).
- Has or is expected to have, an offer of employment (full or part-time) with any of the foregoing.
- Has, or is expected to have, an honorary appointment or position with any of the foregoing.
- Is on leave from a position with any of the foregoing.
- Has bought out teaching responsibilities or otherwise taken leave from Mason to spend an extended term with any of the foregoing.
- Is collaborating as an investigator or staff on any pending or planned research project funded by any of the foregoing.
- Has any arrangement with any of the foregoing to provide advice, resources, or non-public information.

"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. NASA has taken the position this definition includes Chinese universities, research institutes, or other units of the Chinese government. NASA does not consider this definition or the Acts to bar the participation of Chinese nationals who are not affiliated with China, a Chinese-owned company, or a Chinese university, research institute, or government unit.

(c) This Subcontract may use restricted funding. Thus, Subcontractor shall not contract with or use "China or Chinese-owned companies" for any effort related to this Subcontract except for acquisition of commercial items. If the Subcontractor anticipates making an award to or working with "China or Chinese-owned companies" during the course of the Subcontract, the Subcontractor must contact the

Contracting Officer through the Subcontracts Manager to determine if funding on this Subcontract can be used for that purpose.

(d) The Subcontractor represents that the Subcontractor is not China or a Chinese-owned company, nor is the Subcontractor affiliated with the Chinese Government or a Chinese-owned company.

Furthermore, the Subcontractor acknowledges and agrees that any Subcontractor employee or agent that requires access to a Mason laboratory or facility covered by this restriction will be required to complete an attestation stating that the individual is not affiliated with China or a Chinese-owned company, prior to being granted access to the laboratory or facility.

(e) Subaward - The recipient shall include the substance of this provision in all subawards made hereunder.