

SUMMARY OF RESTRICTIONS AND CERTIFICATION

NASA RESTRICTIONS ON FUNDING ACTIVITY WITH THE PEOPLE'S REPUBLIC OF CHINA ("CHINA")

Summary of Restrictions: Federal laws (Public Laws 112-10 and 112-55) prohibit the National Aeronautics and Space Administration (NASA) from using funding received under those laws to:

Enter into or fund any type of grant or cooperative agreement to participate, collaborate or coordinate bilaterally with China or any "Chinese-owned company" at prime and/or subrecipient levels, whether or not the involvement with China or the Chinese-owned company is funded or done through a "no exchange of funds" arrangement.

A "**Chinese-owned company**" is any company owned by the People's Republic of China or incorporated under the laws of the People's Republic of China. Chinese universities and other similar institutions are considered by NASA to be incorporated under the laws of the PRC and, therefore, the funding restrictions apply to grants and cooperative agreements that include bilateral participation, collaboration, or coordination with Chinese universities.

Note: The restrictions do not keep recipients of NASA grants or cooperative agreements from procuring commercial supply items from China that are needed to perform a grant or cooperative agreement.

Requirements:

1. When submitting a proposal to NASA that requires a China Restriction Certification, the person/entity making the proposal must certify:
 - a. The persons participating in the project are not affiliated with the Chinese government or a Chinese-owned company;
 - b. The project does not involve bilateral participation, collaboration, or coordination with the Chinese government or a Chinese-owned company at the prime contracting or subcontracting level, no matter whether the activity in which the Chinese government or Chinese-owned company is involved is funded or unfunded. "Bilateral" activities are those that solely take place between persons/entities in the United States and in China. Activities that are conducted under the auspices of a multilateral organization (i.e., an organization that involves the United States, China and other countries) are generally permitted.

If any Chinese-national (i.e., non-United States citizen) student, fellow, researcher, visiting researcher, faculty member, principal investigator, or co-principal investigator will be working on the NASA-funded project, then, on a case-by-case basis, NASA will review the matter to determine if the participation of these individuals is permissible under this restriction. The focus of the review is on the entities involved, not on the citizenship of particular persons. Situations that can trigger the NASA review requirement include, for example, Chinese-national students receiving scholarship funds from the Chinese government, visiting researchers who are affiliated with the Chinese government or a Chinese company, or faculty holding "honorary faculty" status with a Chinese university. In such cases, Mason must contact the NASA grant officer and apprise them of the situation. The NASA grant officer will work with NASA technical officer and NASA headquarters to determine if use of NASA funding is permitted.

Note that non-Chinese nationals can be "Affiliated Persons" if they have a significant relationship with the Chinese government or a Chinese-owned company.

2. “Affiliated Persons” are not permitted to use equipment, software, etc., that was purchased using NASA funds.
3. “Affiliated Persons” cannot be given access to data generated under a NASA-funded project prior to that data being publicly disseminated.

Screening Questions

In order to help ensure compliance with this NASA funding restriction, the principal investigator for any proposal submitted to NASA for funding must answer the following questions, sign the appropriate attestation statement, and submit the completed form to Mason’s Office of Sponsored Programs. Principal investigators need to understand possible Affiliated Person status of all of their project’s participants, because NASA requires the certification that no participants hold that status. If some do hold that status, the PI (through OSP) will be required to submit a request for NASA review. Be sure to conduct the same analysis throughout the life of the project. Be sure project participants understand that they must report any new activities that could trigger Affiliated Person status

If any “yes” answers are submitted, then OSP will consult with the PI and NASA to determine if funding and/or “Affiliated Person” participation will be permitted.

Again, please note: if the proposal is funded, any contemplated changes to the research or research personnel that may involve the Chinese government, a Chinese-owned company, or Chinese-national research personnel must be submitted to OSP for screening and analysis before being implemented.

NASA Proposal Number: _____

Project Title: _____

Name: _____

Institution/Company Name: _____

1. Does this project involve bilateral collaboration with, or participation of, the Chinese government or any company incorporated under the laws of China, whether or not the activity in which the government or company is involved is funded or unfunded?
 No Yes

If “yes,” please provide the name of the entity and its role in the project.

2. Does this project involve any person or entity, regardless of nationality, that is associated with and/or receiving support from the Chinese government or a Chinese-owned company? (For example, a graduate student receiving a scholarship or other support from the Chinese government or who is affiliated with a Chinese state institution, or a visiting scholar from China traveling on a J-1 Visa, or a non-Chinese national who is receiving similar support.)
 No Yes

If “yes,” please provide the name of the individual(s), his/her/their role in the project, and his/her/their affiliations, including any affiliations with the Chinese government or any Chinese-

owned company and any receipt of scholarship funds or other support from the Chinese government or a Chinese-owned company.

3. Does this project involve any Chinese national (i.e., non-U.S. citizens) students, fellows, researchers, faculty, or principal and/or co-principal investigators?
- No Yes

If “yes,” please provide the name of the individual(s), his/her/their role in the project, and his/her/their affiliations, including any affiliations with the Chinese government or any Chinese-owned company and any receipt of scholarships, funding or other support from the Chinese government or a Chinese-owned company. NOTE: As mentioned above, Chinese nationality or citizenship alone will not trigger the NASA restrictions, but NASA has advised that it will review any situation that involves participation by Chinese nationals in NASA funded projects on a case-by-case basis to determine whether restricted funds can be used under the circumstances. See: http://prod.nais.nasa.gov/pub/pub_library/grantnotices/gic12-01.html

4. Does this project involve any travel to China? (Such travel may trigger the NASA review requirement)
- No Yes

Please be aware that upon issuance of a NASA award, you, as the PI, and each member of the research team (including students), will be required to complete and execute a separate certification form indicating whether or not you hold a prohibited affiliation. These forms will be provided by OSP upon NASA’s issuance of award and must be completed and returned to OSP prior to the authorization to expend funds.

CERTIFICATION: By signing below, I attest that I have read this information sheet and understand that NASA is prohibited from funding any type of grant or cooperative agreement that involves bilateral participation, collaboration or coordination with China or any Chinese-owned company at prime and/or subrecipient levels. My answers to the foregoing screening questions are accurate and complete and cover all members of the project team. I agree to contact Mason’s Office of Sponsored Programs immediately if I become aware of any information that might change or supplement any of my answers to those questions.

Signature

Date

Printed Name