



Memorandum

Subject: NASA RESTRICTIONS ON FUNDING ACTIVITY WITH CHINA

In February 2012, NASA issued guidance documents addressing NASA implementation of the restrictions included in their FY 2011 continuing resolution and FY 2012 funding Appropriations Acts (document sources referenced below). Per the Acts, NASA is restricted from using funds appropriated on or after April 25, 2011 to enter into or fund any grant, cooperative agreement or contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company. To ensure compliance with the restriction, NASA is now requiring institutions receiving NASA funding to complete an Assurance which represents the University's acceptance of the restriction.

The University is, therefore, restricted from collaborating with, or issuing a subaward to China or a Chinese owned Company, whether the collaboration is funded or performed under a no-exchange of funds arrangement. "China or a Chinese-owned Company" is defined in the NASA guidance documents 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"*.

Please Note:

(1) NASA's implementation of the Appropriations Acts may restrict the use of NASA funds to support Chinese national students on scholarships from PRC. Moreover, visiting researchers who retain their affiliation with PRC may not work on NASA funded projects. The NASA Grant Information Circular states that participation by Chinese nationals will be reviewed by NASA grant and technical officers prior to awarding grants or cooperative agreements (including amendments); and the Procurement Information Circular states that, if collaboration with China or a Chinese-owned company is anticipated, the contractor must contact the contracting officer to determine if funding may be used for that purpose.

(2) The restrictions do not prohibit the purchase of commercial or non-developmental items, since participation, collaboration or coordination between the parties would not be required.

UAH Office of Compliance will continue to monitor these developments to ensure that citizenship restrictions are not accepted in violation of University policy.

Please reference the following NASA documents for detailed information: Grant Information Circular (GIC 12-01) (2/9/12): <https://www.nasa.gov/general/grants-policy-and-compliance-team/>

[Procurement Information Circular \(PIC 12-01A\) \(2/16/12\)](#)

In order to ensure that UAH is in compliance with the statute and NASA's funding limitations, the Office of Sponsored Programs (OSP) will require that Principal Investigators who have new and current funding from

NASA complete a short and straightforward questionnaire related to these requirements.

**NASA CHINA FUNDING RESTRICTION
PRINCIPAL INVESTIGATOR (PI) QUESTIONNAIRE**

- **The PI must complete this form in order to determine whether the University is compliant with NASA's China Funding Restriction.**
- **OSP cannot move forward with processing the award until the PI has completed, signed, and returned this questionnaire to OSP.**

Proposal Title: _____

NASA Award Number: _____

1. Does this project involve collaboration or coordination with, or participation of a Chinese company (defined as any company incorporated under the laws of China) or the Chinese Government (whether the activity is funded or unfunded)? No Yes
If yes, please include the name of the entity, the type of entity (*e.g.*, government, corporation, or other), and the role in the project.

2. Does this project involve collaboration or coordination with or participation of individuals in any way affiliated with a Chinese company or the Chinese Government (whether the activity is funded or unfunded)? No Yes
If yes, please include the name(s) of the individual(s), affiliation(s), and role(s) in the project.

3. Does this project involve collaboration or coordination with, or participation of a student from PRC enrolled at UAHuntsville with a scholarship from China? No Yes If yes, please include the name(s) of the individual(s), affiliation(s), and role(s) in the project.

4. Does this project involve collaboration or coordination with, or participation of a scholar who retained his/her affiliation with PRC? No Yes
If yes, please include the name(s) of the individual(s), affiliation(s), and role(s) in the project.

**Assurance of Compliance – China Funding Restriction
(DEVIATION FEB 2012)**

An Assurance of Compliance with 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 herein after referred to as “the Acts”, whereas:

- (1) 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 and at all sub-recipient levels, whether the bilateral involvement is funded or performed under a no-exchange of funds arrangement.
- (2) 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.
- (3) The restrictions in the Acts do not apply to commercial items of supply needed to perform a contract, grant or cooperative agreement.
- (4) By submission of its proposal, the proposer represents that they are not a Chinese owned company, and that they will not participate, collaborate, or coordinate bilaterally with China or any Chinese-owned company, at the prime recipient level or at any sub-recipient level, whether the bilateral involvement is funded or performed under a no-exchange of funds arrangement.

Principal Investigator (Print Name): _____

Signature: _____

Date: _____

E-mail: _____