NASA: Participation, Collaboration, and Coordination
A Focus on Special Restrictions

Office of the VP for Research and Office of General Counsel
Fall 2023
Topics

- The Wolf Amendment
- The Foundational Four Cs of Compliance
- Q & A
No funding from NASA may be used 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,” unless specifically authorized by law.
## Certifications

### Annual Certification ¶ C1; NSPIRES Proposal Cover Sheet

By submitting the proposal identified in the Cover Sheet/Proposal Summary in response to this Research Announcement, the Authorizing Official of the proposing organization (or the individual proposer if there is no proposing organization) as identified below:

- certifies that the statements made in this proposal are true and complete to the best of his/her knowledge;
- agrees to accept the obligations to comply with NASA award terms and conditions if an award is made as a result of this proposal; and
- confirms compliance with all provisions, rules, and stipulations set forth in this solicitation.

Willful provision of false information in this proposal and/or its supporting documents, or in reports required under an ensuing award, is a criminal offense.

### NASA Proposer’s Guide § 2.16, Current and Pending Support

PIs and Co-PIs also shall list any current and pending support with China, including Chinese universities and other similar institutions or a Chinese-owned company at the prime recipient level and at all subrecipient levels, whether the bilateral involvement is funded or performed under a no-exchange of funds arrangement.

### NASA Annual Certification ¶ C2; Grant Cooperative Agreement Manual (GCAM) § 5.4, App’x A

By submission of its proposal, the proposer represents that the proposer is not China or a Chinese-owned company, and that the proposer will not 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 basis.
### Potential Consequences of Non-Compliance

<table>
<thead>
<tr>
<th>Category</th>
<th>Consequences</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Internal Penalties</strong></td>
<td>• University-level ramifications for non-compliance with Brown policy  &lt;br&gt;• Potential impact to application of Employee Defense and Indemnification Policy</td>
</tr>
<tr>
<td><strong>Award Term &amp; Ineligibility</strong></td>
<td>• Award or project termination  &lt;br&gt;• Debarment/suspension (individual or institution)</td>
</tr>
<tr>
<td><strong>Statutory Liability</strong></td>
<td>• False Claims Act  &lt;br&gt;○ Damages and fines  &lt;br&gt;○ Criminal liability  &lt;br&gt;• Individual liability</td>
</tr>
<tr>
<td><strong>Reputational Risk</strong></td>
<td>• Bad press; national headlines  &lt;br&gt;• Negative impact on researcher’s reputation</td>
</tr>
</tbody>
</table>
Recent Enforcement

Stanford fined over nondisclosure of foreign funds

The Washington Post

Stanford University Agrees to Pay $1.9 Million to Resolve Allegations That it Failed to Disclose Foreign Research Support in Federal Grant Proposals

PRESS RELEASE

Monday, October 2, 2023

Stanford University, located in Palo Alto, California, has agreed to pay $1.9 million to resolve allegations that it violated the False Claims Act by submitting proposals for federal research grants that failed to disclose current and pending support that 12 Stanford faculty members were receiving from foreign sources.

The settlement relates to research grants that Stanford received between 2015 and 2020 from five federal agencies: the Departments of the Army, Navy and Air Force, the National Aeronautics and Space Administration (NASA), and the National Science Foundation (NSF). All of the settlements are based on civil claims submitted by Stanford to Army, Navy, Air Force, NASA, and NSF between July 2015 and December 2020 based on the following alleged conduct:

(1) Stanford, despite requirements to do so, failed to disclose to Army, Navy, Air Force, NASA, and NSF current and pending support from foreign sources for eleven Stanford faculty members who were principal investigators (PI) or co-PIs on the federal research grant proposals listed in Exhibit A from which Stanford received funding (collectively, the Subject Grants).

(2) Stanford failed to disclose affiliations with a public university in China, and the National Natural Science Foundation of China in connection with a Stanford professor's involvement in the Subject Grants.

For immediate release
Office of Public Affairs
Recent Enforcement

Professor, NASA Researcher Pleads Guilty in China Ties Case

September 23, 2022 8:49 PM  Associated Press

HOUSTON — A NASA researcher and Texas A&M University professor pleaded guilty to charges related to hiding his ties to a university created by the Chinese government while accepting federal grant money.

Zhengdong Cheng pleaded guilty to two counts — violation of NASA regulations and falsifying official documents — during a hearing in Houston federal court Thursday.
Brown University . . . shall defend a **Qualified Employee** . . . for duties performed while serving in a **Covered Role**, provided that their actions are within the **scope of their Covered Role**, are made in good faith, and are in the best interests of the **University** . . . .
## The Foundational Four Cs of Compliance

### Cover Page
- Special attention:
  - Section V: Team Members
  - Section VIII: International Collaboration
  - Section IX: Program Specific Data (Q14, Q18)

### Credentials: Biographical Sketch
- PIs (max 2 page)
- Co-I’s (max 1 page)
- Collaborators—may be included, not required (max 1 page)

### Current and Pending
- Required for PI and funded team members who would devote >10% of their time in any given year to the proposed work
- All ongoing and pending projects and proposals regardless of salary support
- All PIs and CO-PIs, must list any current and pending support with China, including Chinese Universities or similar institution or a Chinese owned company at the prime and subrecipient levels whether the bilateral involvement is funded or performed under no-exchange of funds arrangement.

### Conflict of Interest (COI)
- New NASA Policy Dec 1, 2023
- Significant Financial Interest (SFI) disclosures at submission
- Updated with any new SFI

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Full Checklist

PRC FAQ for ROSES | Science Mission Directorate
New NASA COI Policy: Dec 1, 2023

“A situation in which an investigator, or the investigator’s spouse or dependent children, has a significant financial interest that could directly and significantly affect the design, conduct, or reporting of the NASA funded research.”

Key Points:

- Includes principal investigator, project director, and any other person, regardless of title or position, including subawards.
- Financial Interests must be disclosed to Brown at the time of proposal submission.
- Updated annually or with any new SFI.
- Prior to the expenditure of any NASA funds, Brown will review and determine if a Conflict of Interest exists and how it will be managed, reduced or eliminated
  - Any conflicts that cannot be managed, reduced or eliminated must be reported to NASA.
Questions
Contacts

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  • Sr. Director | Office of Research Integrity | 401-863-3295
• Anonymously via EthicsPoint
Appendix A

Proposer’s Guide References
1. **ELIGIBILITY**

1.1 **Eligibility Requirements and Restrictions**

There are special restrictions on NASA regarding the People's Republic of China. In accordance with section 526 of Public Law 117-103 and all subsequent appropriations acts, NASA is prohibited from funding any work that involves the bilateral participation, collaboration, or coordination with China or any Chinese-owned company or entity, at the prime recipient level or at any subrecipient level, whether funded or performed under a no-exchange-of-funds basis. Accordingly, proposals shall not include bilateral participation, collaboration, or coordination with China or any Chinese-owned company or entity, whether funded or performed under a no-exchange-of-funds basis. Proposals involving bilateral participation, collaboration, or coordination in any way with China or any Chinese-owned company, whether funded or performed under a no-exchange-of-funds basis, will be ineligible for award.
2.2.1 Special Restrictions for Non-U.S. Organizations

- In general, per 2 CFR 1800.3, Applicability, research with foreign organizations will not be conducted through grants or cooperative agreements. Typically, NASA conducts research with non-U.S. organizations on a cooperative, no-exchange-of-funds basis. Although Co-Investigators (Co-Is) or Collaborators employed by non-U.S. organizations may identify themselves as part of a proposal submitted by a U.S. organization, NASA funding does not normally support research efforts by non-U.S. organizations and Collaborators at any level, including travel by investigators at non-U.S. organizations. This policy pertains to the nature of the proposing organization and not the nationality or citizenship of the individuals listed in the proposal. However, the direct purchase of supplies and/or services, which do not constitute research, from non-U.S. sources with NASA-awarded funds is permitted.

- In accordance with China restrictions set forth in section 526 of PL 117-103, and all applicable subsequent appropriations acts, NASA is prohibited from funding any work that involves the bilateral participation, collaboration, or coordination with China or any Chinese-owned company or entity, at the prime recipient level or at any subrecipient level, whether funded or performed under a no-exchange-of-funds basis. Accordingly, proposals shall not include bilateral participation, collaboration, or coordination with China or any Chinese-owned company or entity, whether funded or performed under a no-exchange-of-funds basis. Proposals involving bilateral participation, collaboration, or coordination in any way with China or any Chinese-owned company, whether funded or performed under a no-exchange-of-funds basis, will be ineligible for award.
PIs and CoPIs shall provide all ongoing and pending projects and proposals (regardless of salary support) in which they are performing or will perform any part of the work. Co-Is proposing to spend 10 percent or more of their time in any given year to the proposed effort shall provide a list of ongoing and pending projects and proposals (regardless of salary support) that require more than 10 percent of their time in any given year. Proposals do not need to include the current proposal on the list of pending proposals unless it has been submitted in response to another federal funding opportunity (i.e., NASA or another sponsor).

PIs and Co-PIs also shall list any current and pending support with China, including Chinese universities and other similar institutions or a Chinese-owned company at the prime recipient level and at all subrecipient levels, whether the bilateral involvement is funded or performed under a no-exchange of funds arrangement.\(^3\) (See paragraph 2.2.1 above)

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\(^3\) "China or Chinese-owned Company" means the People's Republic of China (PRC), any company owned by the PRC, or any company incorporated under the laws of the PRC. Chinese universities and other similar institutions are considered 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.