

**PI Certifications for NASA Assistance Award Funding  
For**

UCR PI		Department
UCR Proposal Number	Sponsor Award Number	Sponsor/Prime Sponsor
Project Title		

UCR Sponsored Programs Administration (SPA) is in the process of reviewing and establishing your Award in the UCR Proposal & Award Management Information System (PAMIS).

To help UCR comply with the following NASA restrictions and requirements identified below, the UCR PI for this Award is requested to read the following sections and answer the related questions.

1. **Allocation of Risk/Liability, GCAM Appendix D18 (dated AUG 2019)**
2. **Personal Identity Verification of Recipient Personnel (dated DEC 2014)**
3. **Restrictions on Funding Activities with China**

**1. Allocation of Risk/Liability –GCAM Appendix D18 (dated AUG 2019)**

*(a) With respect to activities undertaken under this award, the recipient agrees not to make any claim against NASA or the U.S. Government with respect to the injury or death of its employees or its subawardees/contractors and subaward/subcontractor employees, or to the loss of its property or that of its subawardees/contractors and subawardees/subcontractors, whether such injury, death, damage or loss arises through negligence or otherwise, except in the case of willful misconduct.*

*(b) In addition, as applicable, the recipient agrees to indemnify and hold the U.S. Government and its contractors and subcontractors harmless from any third party claim, judgment, or cost arising from the injury to or death of any person, or for damage to or loss of any property, arising as a result of its possession or use of any U.S. Government property. If State law prohibits the recipient from accepting indemnification, then the recipient shall ensure this term and condition applies to all subrecipients, subawardees, contractors or subcontractors under this award.*

*[End of Provision]*

The “Allocation of Risk/Liability” provision is problematic for many public universities across the U.S., including the University of California (UC). The provision puts the UC at risk of assuming the financial liability for any legal claim of injury, damage, etc. based on negligent actions caused by NASA. Furthermore, Part “(b)” of the provision presents a potential financial risk to the PI’s department/unit, particularly if the PI plans to possess or use U.S. Government property during the implementation of this project.

UC Office of the President developed guidance on assessing the liabilities and risks under each project. In order to determine the potential financial and legal risks involved with this project, and make any necessary

accommodations to reduce or eliminate any such financial/legal risks, please select **ONE** of the options below as it applies to your project:

- a. **\_\_\_\_\_ No NASA facilities, equipment, data or software (U.S. Government property) will be possessed or used during performance of this NASA agreement.**
- b. **\_\_\_\_\_ “Possession or use” of NASA facilities, equipment, data or software under this agreement will be limited to the following low risk activities: visiting NASA facilities to make briefings or presentations or to confer with NASA personnel and/or possessing or using publicly available NASA information or software.**
- c. **\_\_\_\_\_ “Possession or use” of NASA facilities, equipment, data or software under this agreement will involve more than the low risk activities listed under #2 above.**

Based on your response, UCR can then determine if SPA will need to obtain an informed consent from your Department Chair/Director and/or Dean.

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## **2. Personal Identity Verification of Recipient Personnel (Dec 2014)**

*(a) The Recipient shall comply with agency personal identity verification procedures identified in the contract that implement Homeland Security Presidential Directive-12 (HSPD-12), Office of Management and Budget (OMB) guidance M-05-24 and Federal Information Processing Standards Publication (FIPS PUB) Number 201.*

*(b) The Recipient shall account for all forms of Government-provided identification issued to the Recipient employees in connection with performance under this contract. The Recipient shall return such identification to the issuing agency at the earliest of any of the following, unless otherwise determined by the Government:*

- (1) When no longer needed for grant performance.*
- (2) Upon completion of the Recipient’s employee’s employment.*
- (3) Upon grant completion or termination.*

*(c) The Grant Officer may delay final payment under a grant if the Recipient fails to comply with these requirements.*

*(d) The Recipient shall insert the substance of this clause, including this paragraph (d), in all subcontracts or subagreements when their employees are required to have routine physical access to a Federally controlled facility and/or routine access to a Federally-controlled information system. It shall be the responsibility of the Recipient to return such identification to the issuing agency in accordance with the terms set forth in paragraph (b) of this section, unless otherwise approved in writing by the Grant Officer.*

*[End of Provision]*

The “Personal Identity Verification of Recipient Personnel” provision requires individuals to go through a NASA background check before accessing any federally-controlled facility or a Federal information system. This is typically not a problem, however the background checks that are performed under this condition are different for U.S. citizens and foreign nationals. Foreign nationals are required to go through additional background checks above and beyond that of a U.S. citizen and such additional background checks based on race or origin do not comply with the UC’s required Anti-Discrimination policies.

Therefore, in order to determine and ascertain UCR's compliance with NASA requirements and UC policies, please answer the following questions below:

**a. Will anyone working on this project, in any capacity, need to access any federally-controlled facility or a federal information system during the course of this project?**

**Yes**  **No**

**If the answer to 'a' is "No", please continue on to section 3.**

**b. If the answer to 'a' is "Yes", are any of these individuals foreign-born?**

**Yes**  **No**

**If the answer to 'b' is "No", please continue on to section 3.**

**If the answer to 'b' is "Yes", please read the text below then sign and date.**

In compliance with Anti-Discrimination policies, UC cannot agree to have student or employee foreign nationals subjected to additional background checks based on the race or national origin. The same policy prohibits the use of place of birth as criteria for selection to participate on a project. The University of California has determined that in order to comply with UC Anti-Discrimination policies while maintaining compliance with NASA agreement, only PIs should access any needed Federal facilities/information systems when there is a foreign-born student or employee also participating on a project.

**"Because my NASA-funded project employs individuals born outside of the United States, I agree that I, the PI, will be the only individual to access federally-controlled facilities and federal information systems during the implementation of this project."**

PI Name	Signature	Date
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Please proceed to the next page.

### 3. 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 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.*

When submitting proposals and accepting NASA grants or cooperative agreements, the University is required to accept the NASA clause regarding: "Restrictions on Funding Activities with China." In order to assure compliance, the UCR PI is required to provide the certification below:

***I have completed the NASA Questionnaire for Assistance Awards (i.e., grants and cooperative agreements) on behalf of myself and all individuals performing any part of the scope of work of project identified below, and have determined and hereby certify that in accordance with the above:***

***Bilateral participation, collaboration, or coordination with The People's Republic of China (PRC), any company owned by the People's Republic of China or with any company (including a Chinese university) incorporated under the laws of the People's Republic of China (including Hong Kong and Macau, but not Taiwan) will not take place as part of the NASA scope of work for this award, whether or not such participations, collaborations, or coordinations are funded by the NASA award.***

***Further, I certify that I will not enter or cause The Regents to enter into a bilateral subaward, memorandum of understanding, collaboration agreement, or any other type of written bilateral agreement with the PRC as defined above. (Vendor agreements for acquisition of commercial and non-developmental items are excluded from this certification.)***

PI Name	Signature	Date
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Please proceed to the next page.

## Questionnaire for NASA Assistance Awards

The PI must complete and return this questionnaire to the Sponsored Projects Administration, on their own behalf and on behalf of all persons performing any part of the scope of work on a NASA grant or cooperative agreement (“Participants”), whether this performance is funded or unfunded, on-campus or remote. Should PI not know the answers for any Participant, the PI must obtain the necessary information from these Participants.

1. Is any Participant employed by the Chinese government or a Chinese owned company or university?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Does any non-student Participant receive salary support from the Chinese government or a Chinese owned company or university?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Does any non-student Participant receive any incidental financial compensation, such as housing or transportation, from the Chinese government or a Chinese owned company or university?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Does any Participant have a written agreement to become (or to return as) an employee of the Chinese government or a Chinese owned company or university?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>STOP: IF YOU HAVE ANSWERED YES TO ANY OF THE ABOVE QUESTIONS, YOU (or a Participant) WILL LIKELY NOT BE ABLE TO PARTICIPATE WITHOUT SPECIFIC NASA APPROVAL. SPEAK TO YOUR CONTRACT &amp; GRANT OFFICER. IF YOU HAVE ANSWERED “NO,” PLEASE CONTINUE WITH THIS QUESTIONNAIRE.</b>	
5. Is any Participant enrolled at a Chinese university or does any Participant have a written agreement to become (or to return as) as a student of a Chinese university?	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. If a Participant is a student, does such Participant receive any type of financial support (other than a scholarship) from the Chinese government or a Chinese owned company or university?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Does any Participant receive research materials or any other type of goods from China or a Chinese owned company or university? (Do not include the purchase of commercial supplies needed to perform the NASA award scope of work.)	<input type="checkbox"/> Yes <input type="checkbox"/> No
8. Is any Participant co-authoring a paper with a person from China or a Chinese owned company or university that is the result of activity funded by NASA after April 2011?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>IF YOU ANSWERED “YES” TO ONE OR MORE OF QUESTIONS 5-8, YOU (or a Participant) ARE NOT NECESSARILY EXCLUDED FROM PARTICIPATION, BUT YOU MUST CONSULT WITH YOUR CONTRACT &amp; GRANT OFFICER FOR FURTHER ANALYSIS AND GUIDANCE.</b>	

UCR Prop#	Sponsor Award #	Project Title
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PI Name	Signature	Date
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