



NASA Update Federal Demonstration Partnership

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Items for Update

- Restriction on bilateral activity with China
Public Law 112-55

This presentation quotes from the
FAQ website at [http://science.nasa.gov/
researchers/SARA/faqs/prc-faq-roses-2012/](http://science.nasa.gov/researchers/SARA/faqs/prc-faq-roses-2012/)



Bilateral Activity with China – 1

Contracting officers must include in grants, contracts and solicitations clauses that inform recipients and offerors that they may be ineligible for FY 2011 & FY 2012 NASA funding if the on-going or proposed work involves **bilateral activity with China or Chinese owned companies.**

Existing awards have been amended to include this information.



Bilateral Activity with China – 2

What about my graduate student, postdoc, or team member who is a Chinese citizen, but is not working at a Chinese institution?

The statute does not restrict individual involvement based on citizenship or nationality. Individuals are subject to the restriction if they are affiliated with institutions of the People's Republic of China or Chinese-owned companies incorporated under the laws of China.



Bilateral Activity with China – 3

May I travel to China to attend conferences?

Public Law 112-55 states that NASA may not engage in any bilateral activities with China or Chinese-owned companies. However, NASA employees, contractors and grant recipients are permitted to attend some **multilateral, widely-attended conferences** such the August 2012 IAU General Assembly held in Beijing.



Bilateral Activity with China – 4

The language in the law specifies that the restriction is on “bilateral” work, implying that multilateral work funded by NASA may involve investigators at Chinese institutions.

Work that involves investigators from other countries in addition to the PRC and USA, and work done under the auspices of a multilateral organization, are generally permitted. E.g., posting content to a publicly accessible web page does not constitute a bilateral activity.



Bilateral Activity with China – 5

What about co-authorship of papers in preparation or in press?

Papers with authors from only the USA and PRC are considered bilateral activities.

Papers with authors from other countries in addition to the USA and PRC are generally considered to be multilateral activities.



Bilateral Activity with China – 6

May NASA-sponsored researchers use Chinese data to perform scientific research?

Yes, if the data are publicly available, or access can be obtained through the data archives of multilateral groups which include China as a member. NASA-sponsored researchers are not allowed to enter into any agreement with Chinese organizations to obtain access to data.



Bilateral Activity with China – 7

General scientific discussions do not constitute a bilateral policy, program, order, or contract and thus are permitted for NASA-sponsored researchers.

However, these discussions must not involve discussions of bilateral collaboration with Chinese entities.



Questions?
