

University of California
Office of the President

Senior Vice President—
Business and Finance

Research Administration Office

Memo

Operating Guidance

No. 04-05
August 18, 2004

CONTRACT AND GRANT OFFICERS

Subject: NASA Grants and Cooperative Agreement Handbook Provision 1260.35, Investigative Requirements (January 2004)

NASA revised its *Grants and Cooperative Agreement Handbook* provision 1260.35, Investigative Requirements in January, 2004. [<http://ec.msfc.nasa.gov/hq/granta.html#126035>] The proposed change was originally published in the August 15, 2003 *Federal Register*. The University of California submitted the only comment letter on the proposed rule. The final rule was published in the January 23, 2004 *Federal Register*. <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-1210.pdf>

The revised provision restates the purpose of this NASA requirement which is to determine individual access to NASA facilities, computer systems, or technical information. The October 2000 version required the grantee to provide requested personal/biographical information. The January 2004 revision has the grantee ensure that individuals will respond to NASA's requests.

As with the previous version, the provision only applies if access to NASA facilities, computer systems, or technical information is necessary for the performance of the award. If such access is not necessary for the performance of the award, the provision would not apply. However, if the scope of work requires such access on the part of the Principal Investigator or any University employees to perform the proposed project, then the provision may create problems, depending on what the individual NASA site requires as a condition of access to their site.

Our guidance on responding to this clause follows:

- 1) For each NASA grant, determine whether the project will require access to a NASA facility or NASA technical data to perform the work. If no access is necessary, accept the clause without further action.
- 2) For a NASA grant that will require access to a NASA site or technical information, discuss with Investigators whether such access will be incidental or central to the performance of the project and what procedures the site uses to approve access. If the access required is incidental and/or the NASA site has not previously required extensive background checks or other intrusive or discriminatory procedures (such as ones focusing entirely on foreign nationals), then Investigators should be informed to contact the campus Contract and Grant Officer should NASA implement any more formal process than simply requiring a list of project personnel and documentation to establish identity at the time of access. A request for a driver's license or other official identification by NASA to obtain any required access is acceptable. However, individuals under a NASA award should not provide personal

*Note: The addressees above represent the standard distribution of Contract and Grant Memos. Additional addressees, if any, may be added based on the subject of the Memo. See cc's.

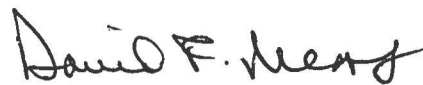
background information to NASA or complete any questionnaires nor subject themselves to background checks without first consulting with the campus Contract and Grant Office.

- 3) For a NASA grant where the project will be performed at the NASA site, a discussion of the access requirements should occur prior to acceptance of the grant. Of particular concern is a process that requires the Questionnaire for Public Trust Positions or other 'clearance' process, because often times such process discriminates against foreign nationals. Previously, NASA has agreed to allow the University to perform any necessary background checks. So it may be possible to structure an arrangement which is satisfactory to both parties.

In sum, in most cases, the clause can be accepted without further action. However, Investigators should be alerted to the need to consult with your office in the event that circumstances change and NASA requests information on project personnel so that background checks can be conducted by NASA. In such cases, please notify our office as well so that we can work with you to develop an acceptable process as well as monitor the implementation of this provision.

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Subject: 01, 20
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David F. Mears
Director