

This document provides information on how Give2Asia manages grant and project activities, from early scoping to final project reporting. It also outlines important requirements that Give2Asia and its donors must follow for compliant grantmaking into China.

All charitable activities in China that are funded by overseas nonprofits such as Give2Asia are governed by China's Overseas NGO Law, which was enacted in 2017. This law views Give2Asia as the owner of our grant activities and requires that Give2Asia carry the sole and entire responsibility for the success of a project funded with a grant made to a China-based charity.

## Our Staff Capabilities & Compliance Partners in China

Since June 2017, Give2Asia maintains a China Representative Office entity under **China's Overseas NGO Law**.<sup>(1)</sup> Give2Asia's registration is quite broad, enabling us to make grants for a wide range of issues across the whole country. Give2Asia has appointed a Chief China Representative, Ms. Carol Yang, and maintains an office in Beijing with 9 staff. Give2Asia's team in China has the ability to:

- Develop a working relationship with grant recipients locally
- Work and develop content in both Chinese and English
- Keep all parties updated on the most recent project activities and compliance steps
- Address project-related issues that arise in China to help ensure the best possible outcome

All grantmaking into China by Give2Asia must first be approved by Give2Asia's compliance partners, starting with its Professional Supervisory Unit (PSU). Give2Asia's PSU is the Chinese People's Association for Friendship with Foreign Countries, which is affiliated with the Ministry of Foreign Affairs. Final approval authority rests with the Beijing Public Security Bureau Overseas NGO Administrative Office (PSB). Give2Asia's PSU and PSB are legally entitled to monitor all the grants made and activities carried out by Give2Asia in China.

Give2Asia's Board of Directors reserves the final decision on whether a grant should be approved from the United States and serves as the legal custodian of all funds received by Give2Asia.

1 - A bilingual version of China's Overseas NGO Law can be found at [www.chinafile.com/n-go/laws-regulations/law-of-peoples-republic-of-china-administration-of-activities-of-overseas](http://www.chinafile.com/n-go/laws-regulations/law-of-peoples-republic-of-china-administration-of-activities-of-overseas).

# Windows For New Grant Approvals

For 2024, Give2Asia's China Representative Office will offer three opportunities to submit activity plans for the Chinese government's consideration. Give2Asia cannot guarantee approval of any grants.

Donor Submission Deadlines to Give2Asia for New Grants	Give2Asia Submission Deadline to Submit to PSU	Estimated Time for PSU & PSB Approvals (varies)*
November 30, 2023	1st window: December 15, 2023	3 to 4 months
March 29, 2024	2nd window: April 15, 2024	3 to 4 months
July 15, 2024	3rd window: August 1, 2024	3 to 4 months

*\*Any grants approved by the PSU and PSB that are not disbursed within the same calendar year will require resubmission in the December AAP window for the next calendar year. This will result in activities being paused until reapproval is received, delaying grantees' programs. For this reason, it is critical that Give2Asia receives donors' funds as soon as approval is confirmed from both the PSU and PSB to ensure timely distribution – particularly as the end of year approaches.*

## Donor Documents Required by Give2Asia

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**Give2Asia Concept Note:** Give2Asia collects concept note information from the donor and the grantee once the donor has confirmed that a project will be funded. A form for this information can be provided by Give2Asia to both the donor and grantee. Information from the concept note will be used in Give2Asia's formal annual activity plan, which is submitted to its PSU and PSB. The following information needs to be provided:

- Donor information: Only the donor name is required.
- Grantee information: Name, location and contact information (point of contact and phone/email) are required. This is essential for Give2Asia's HQ and China teams to establish a direct line of communication with the grantee and understand the intended grant activity. This information may also be requested by the Chinese approval authorities.
- Project information: Brief project description, target issues, planned activities, expected outcomes, project location, grant period, sub-grantees or project partners, grant amount, and disbursement schedule for each grant.
- Give2Asia activities: This includes all activity, including grantmaking, advisory services, events, and research. For research projects, it should include the research project scope and how the results will be utilized.

Since the annual activity plans must be specific, donors should obtain all necessary internal approvals for their organization prior to submitting grants with Give2Asia. It is also preferable that the Concept Note information is submitted in both English and Chinese.

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**Contribution Commitment Form for Mainland China Grants:** The Chinese government needs confirmation from Give2Asia that funds will be made available for a project following their approval process. This form captures this commitment from the donor and provides more donor information for Give2Asia, such as a description of the donor's philanthropic goals, primary contact, and special requests. It also captures details on expected Give2Asia pricing for grantmaking, project management, due diligence, and any other services related to the project.

**3**

**Donor Advised Fund Agreement (DAF Agreement):** This is a one-time document signed at the beginning of a relationship between Give2Asia and a donor. Once signed, Give2Asia can establish a fund to hold and account for your donations as they wait to be granted and take guidance over email without requiring additional signed documentation for each grant request. For new donors beginning with a grant to China, Give2Asia typically requests the signing of a DAF Agreement either once due diligence activity is set to begin or once final grant approval from the PSU and PSB has been received.

## Grants To Government Entities

Give2Asia's China Representative Office can facilitate grants to government entities in mainland China, which will all go through the same grant-specific due diligence process as Give2Asia's grants to non-profit entities.

## Grants To Schools

Education grants which involve scholarships, infrastructure, capacity-building or training activities carried out by universities, high schools, middle schools, primary schools, and kindergartens require the school (and grantee, if not the school) to submit an additional document called an Intent Letter. The Intent Letter would contain information showing the grantee's and school's willingness to work with Give2Asia for the planned activity of the grant. This document should be prepared early in the process (before the grant is submitted to the AAP), as some schools (particularly university foundations) have more internal processes to clear in order to provide such a letter. Give2Asia's China Representative Office will work directly with the grantee to receive this document. No input is required from the donor.

## Adjustments

Once a grant has been formally approved by the Chinese government, any adjustment requests from donors must be submitted in writing to Give2Asia. All adjustments will be reviewed by Give2Asia prior to submission to the PSU and PSB for their consideration.

- Adjustments may be considered if they entail: Grant amount changes, grant period changes, shifts in budget allocations, and modifications to select project activities.
- Adjustments may not be considered if they include changes to project goals and project partners.

# Due Diligence

Once the PSU and PSB approve an activity plan, a due diligence check is carried out. Should a grant not pass a due diligence check, Give2Asia will inform you so you can decide how to proceed with future grantmaking.

## Give2Asia's grant and project management procedures include:

- Conducting a due diligence review of the grantee organization in line with U.S. and China law
- Reviewing project proposals and conducting Give2Asia board approval of all grants
- Entering into a legally binding grant agreement with the grantee for the project
- Disbursing grant funds to the grantee in China through Give2Asia's representative office
- Monitoring project implementation regularly via virtual and in-person meetings
- Ensuring that projects stay on track both in terms of the government approved timeline, scope, and budget
- Gathering reporting from the grantee that complies with both U.S. and Chinese government requirements, in addition to donor reporting requirements as required

Equivalency Determination (ED) requirement: Under certain circumstances, when Equivalency Determination is required by United States IRS regulations, the donor will be responsible for paying this certification. A new ED will cost US\$2,500.

# Publicity

Under Chinese law, Give2Asia is the grantor of the grant and bears all legal liabilities associated with the project which it manages. To be compliant with Chinese law and regulations, Give2Asia must be referred to as the grantor in all publicity activities or materials within China. No regulations apply for materials produced and disseminated outside of China.

## Grant Description

- For donors, Give2Asia suggests the following language: "This project is sponsored by [DONOR] and is granted and managed by Give2Asia." In Chinese, this should be "此项目由赠与亚洲(美国)北京代表处捐赠管理".
- For corporate donors, either the company name or the corporate foundation name can be used with Give2Asia's name mentioned alongside. Any use of corporate logos or corporate foundation logos are allowed when Give2Asia's logo is also represented. This aligns with visibility requirements from the Chinese government.

## Public Relations & Press Releases

- For public events in China for which Give2Asia's input, feedback, or attendance is needed or requested, please give Give2Asia at least two weeks' notice. Before any publicity activities are conducted in China, please make sure Give2Asia is included in the review process to ensure compliant, clear, and effective communications.
- If needed, Give2Asia may seek guidance from the related administrative agencies to ensure that all activities comply with local requirements.

## Donor Guide for Grantmaking to China

# Fee Structure

Give2Asia will be an active participant in every stage of the grant and project. Due to the project and administrative management that China’s Overseas NGO Law requires, Give2Asia has a modified pricing structure for grantmaking into China. As of Jan 1, 2020 and effective through the 2022 grant year, this pricing structure is as follows:

Grant Size	Service Pricing
Up to US\$25,000	US\$3,000
US\$25,001 to US\$100,000	13%
US\$100,001 to US\$500,000	11%
Over US\$500,000	9%

# Grantmaking Process

In compliance with China's NGO law

