



National Science Foundation

MEMORANDUM

DATE: August 18, 2021

TO: Federal Bureau of Investigation

FROM: Rebecca L. Keiser, Chief of Research Security Strategy and Policy (RSSP)

SUBJECT: Foreign Interference in National Science Foundation Funding and Grant Making Processes: A summary of findings from 12/10/2021

For decades, open and collaborative fundamental research has served as a scientific and economic boon to the U.S. and the world. The science and engineering enterprise, however, is put at risk when other governments endeavor to benefit from it without upholding the values of openness, transparency and reciprocal collaboration. Some governments are actively sponsoring activities that pose risks to this system, such as foreign government-sponsored talent recruitment programs that incentivize behavior that is inconsistent with these values.

The National Science Foundation (NSF) recognizes this threat and has taken action to mitigate threats while also reinforcing that collaboration, including international collaboration, is integral to our continued scientific advancement. In 2019, NSF commissioned the JASON advisory group, outside experts who specialize in both science and security, to conduct a study and recommend ways for NSF to protect research integrity and maintain balance between openness and security of scientific research. The report NSF0.5 2019

CASE STUDY Failure to Respond to an OIG Subpoena related to Foreign Funding and Affiliations

x An NSFundedPIis employed by a U.Sorganization

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- x Publicly available information indicates that, in succession over a brief period of time, the PI's proposal is funded, the PI is selected as a foreign talent plan participant, and the PI begins extended leave to visit family in a foreign country. The term of the extended leave corresponds to the time the PI is listed as having a foreign appointment.
- x During this same time, the PI also returns to the United States to serve as an NSF panelist
- x The PI-0.01-2(e)1(PI4 Tc 0 Tf 0.00T0.005 Tc)-2 ano.y <<01 m001 (55c -0.001 Tw 0.22 0 Td [(P t x6"!ñ À PÝAF.À KHpã QĐ \ Ñ\$áÑ:(•J' æ LJJ° ' maãžvaedd s thng tS.1(h)6-.OT3 -0PSF

- x Evidence is presented at trial indicating that grant funds obtained would be used for research the professor/founder knew had already been done in overseas. The professor/founder intended to use the grant funds for other company projects rather than for the projects for which the funds were requested. To obstruct the investigation, the professor/founder submitted falsified timesheets to government investigators.
- x Information becomes available at trial that the professor/founder is a foreign talent plan participant, including the talent plan contract.
- x DOJ prosecution results in a criminal conviction of the professor/founder of one count of conspiracy to defraud the United States, three counts of making false statements, and one count of obstruction by falsification.
- x Based on a recommendation by the OIG after the professor/founder's conviction, NSF imposes governmentwide debarment and reviewer ban on the professor/founder and related company for a fixed period.

Outcome During a multi-year investigation, NSF took several administrative actions, well before filings in Federal court based on recommendations by the OIG, encompassing suspensions, terminations, withholding final payment, reduction of an award amount, and governmentwide suspensions. These actions were appropriately tailored to mitigate risk to NSF. The investigation resulted in a criminal conviction. Thereafter, on the OIG's recommendation, NSF imposed a governmentwide debarment in view of the risk to NSF and the professor/founder's lack of present responsibility.

Conclusion

NSF's research security initiatives seek to:

- x Coordinate with U.S. government interagency partners
- x Communicate and build awareness with the scientific community
- x Share knowledge and best practices
- x Improve transparency and clarification for disclosure
- x Mitigate risk through assessment and analysis to better understand the scale and scope