



NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
OFFICE OF INSPECTOR GENERAL

REVIEW OF INTERNATIONAL TRAFFIC IN ARMS
REGULATIONS AND FOREIGN NATIONAL ACCESS
ISSUES AT AMES RESEARCH CENTER

INVESTIGATIVE SUMMARY

FEBRUARY 26, 2014

Beginning in 2009, Federal law enforcement agencies received complaints that foreign nationals working as contractors at NASA's Ames Research Center (Ames) in California had been given improper access to information subject to International Traffic in Arms Regulations (ITAR), which control the transfer of military and space-related technology.¹ Under these Federal regulations, foreign nationals are not permitted access to such export-controlled information unless they receive a license from the U.S. Department of State.

These complaints led to a 4-year criminal investigation by the Federal Bureau of Investigation, Department of Homeland Security, and NASA Office of Inspector General (OIG). In February 2013, the U.S. Attorney for the Northern District of California closed the matter without bringing criminal charges. Following this decision, the OIG continued to investigate the allegations as an administrative matter. In February 2014, we provided a 41-page report outlining our investigation and findings to the NASA Administrator. The full report cannot be released publicly because it contains information protected by the Privacy Act of 1974.² However, given the importance of the allegations and the media and congressional attention they received, we prepared this summary of our findings.

In sum, we did not find intentional misconduct by any Ames civil servants but believe some Ames managers exercised poor judgment in their dealings with foreign nationals who worked on Center.

With respect to ITAR issues, we found that several foreign nationals without the required licenses worked on projects that were later determined to involve ITAR-restricted information. In addition, on two occasions a senior Ames manager inappropriately shared documents with unlicensed foreign nationals that contained ITAR markings or had been identified as containing ITAR-restricted information by NASA export control personnel. However, we also found significant disagreement between scientists and engineers at Ames and export control personnel at the Center and NASA Headquarters as to whether the work the foreign nationals were performing at Ames involved ITAR-controlled technology. Moreover, the foreign nationals subsequently applied for and were granted licenses permitting them to access the information. We concluded that these incidents resulted more from carelessness and a genuine disagreement about whether the information qualified for ITAR protection than an intentional effort to bypass ITAR restrictions.

¹ The specific hardware and technical data subject to these rules are listed on the Department of State's U.S. Munitions List at 22 C.F.R. § 121.1 and the Commerce Department's Commerce Control List at 15 C.F.R. § 774.1 et seq.

² 5 U.S.C. § 552a.

We also found that a foreign national working at Ames inappropriately traveled overseas with a NASA-issued laptop containing ITAR-restricted information. Even though the foreign national had an ITAR license at the time, the regulations forbid taking such export-controlled information out of the country. However, we were unable to substantiate concerns that the foreign national shared ITAR-protected information while overseas. In addition, a senior official at Ames knew about and failed to stop a foreign national from recording conversations with Ames coworkers without their knowledge or consent, a practice that violated NASA regulations and California law.

Further, we found that security rules designed to protect NASA property and data were not consistently followed in a rush to bring foreign nationals on board at Ames. For example, contrary to NASA rules a foreign national improperly received unescorted access privileges to Ames in 2006 prior to the completion of required background checks and worked at the Center for nearly 3 years without a required security plan.

Finally, we uncovered no evidence to support allegations that any foreign nationals at Ames were provided classified information during the period covered by our review.

In the wake of the allegations examined in our report and a March 2013 security incident at Langley Research Center, NASA has taken a series of actions to strengthen its foreign national visit process. In addition, in late January NASA received a report it commissioned from the National Academy of Public Administration (NAPA) assessing the effectiveness of the Agency's foreign national access and export control processes. We encouraged NASA to consider the information in our Ames report together with the NAPA review and previous OIG reports as it examines and adjusts its foreign national and export control programs.