

Inspection of NSF Passport Guidance





NATIONAL SCIENCE FOUNDATION
Office of Inspector General

MEMORANDUM

DATE: November 7, 2023

TO: Wonzie L. Gardner
Office Head
Office of Information and Resource Management

FROM: Theresa S. Hull [REDACTED]
Assistant Inspector General for Audits

SUBJECT: Final Report No. 24-3-001, *Inspection of NSF Passport Guidance*

Attached is the final report on the subject inspection. This report contains no recommendations, as the National Science Foundation (NSF) has already taken corrective actions to address the report's findings.

We provided a draft report to NSF for review on October 20, 2023. NSF provided us with comments on October 24, 2023, which we included in this report.

We appreciate the courtesies and assistance NSF staff provided during the inspection. If you have any questions, please contact Elizabeth Kearns, Director, Audit Execution, at 703-292-7100 or oigpublicaffairs@nsf.gov.

CC: Christina Sarris, Karen Marrongelle, Teresa Grancorvitz, Janis Coughlin-Piester, Peggy Gartner, Daniel Reed, Victor McCrary, Steve Willard, John Veysey, Ann Bushmiller, Judy Hayden, Angel Williams, Maren Williams, Allison Lerner, Lisa Vonder Haar, Ken Chason, Jennifer Kendrick, Daniel Buchtel, Laura Rainey, Elizabeth Kearns, Louise Nelson, Elizabeth Lewis, Karen Scott

At a Glance

NSF Passport Guidance

November 7, 2023 | OIG 24-3-001



WHY WE DID THIS INSPECTION

According to NSF data, NSF staff made 119 trips to foreign countries as part of their official duties in fiscal year 2022. The objective of our inspection was to determine whether NSF adheres to applicable laws and NSF and U.S. Department of State (DOS) guidance to ensure staff obtain official passports, if required, prior to travel outside of the U.S. on NSF business.



WHAT WE FOUND

DOS issues regular passports and special-issuance passports, including official passports for employees of the U.S. government traveling abroad as part of their official duties. According to its *Foreign Affairs Manual*, persons permanently assigned abroad must use their special-issuance passport when entering and departing their country of assignment, but staff may use a regular passport for temporary duty international travel, unless there is a country-specific requirement to the contrary. At NSF, Bulletin No. 07-07, *Mandatory Use of the Official Passport for Foreign Travel*, required NSF staff to use an official passport for all official international travel, except for travel to one country which does not accept the official passport.

We found NSF's policy was inconsistent with DOS' *Foreign Affairs Manual*. Specifically, NSF staff were required to use an official passport for all official international travel. NSF's policy also included an incorrect statement indicating that DOS requires U.S. government employees to use an official passport when traveling abroad to perform official duties. In addition, when NSF employees did not have sufficient time to apply for and receive an official passport, they were required to sign a memorandum indicating their acceptance of certain risks associated with traveling on a regular passport. However, official passports do not confer diplomatic privileges and immunities or similar benefits.



WHAT WE RECOMMEND

This report contains no recommendations, as NSF has already taken corrective actions to address the findings. Specifically, NSF updated its policy to align with DOS guidance and complied with DOS advice to stop requiring staff to sign a risk memorandum.



AGENCY RESPONSE

NSF extended its appreciation to NSF OIG for its review of NSF's passport policy and for acknowledging its responsive actions.

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Abbreviations

DOS	U.S. Department of State
NSF	National Science Foundation
OIG	Office of Inspector General

Background

The National Science Foundation (NSF) is an independent federal agency created by Congress in 1950 “[t]o promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense; and for other purposes” (Pub. L. No. 81-507).

As part of their official duties, NSF staff made 119 trips to foreign countries in fiscal year 2022, according to NSF data. The U.S. Department of State (DOS) issues passports to traveling U.S. citizens.¹ Specifically, DOS issues regular passports and special-issuance passports, which include official passports for officers or employees of the U.S. government traveling abroad to carry out official duties on behalf of the U.S. government (22 CFR 51.1, 51.3(a), and 51.3(c)(1)).

DOS documents its policies and procedures regarding special-issuance passports, including official passports, in its *Foreign Affairs Manual*. According to the Manual, persons permanently assigned abroad must use their special-issuance passport when entering and departing their country of assignment.² However, “There is no general requirement that special-issuance passports be used for temporary duty travel originating from the United States.”³

According to NSF Bulletin No. 07-07, *Mandatory Use of the Official Passport for Foreign Travel*, NSF staff were required to use an official passport for all official international travel, except for travel to one country which does not accept the official passport.⁴

Inspection Objective

The objective of this inspection was to determine whether NSF adheres to applicable laws and NSF and DOS guidance to ensure staff obtain official passports, if required, prior to travel outside of the United States on NSF business.

Results of Inspection: NSF Guidance Inconsistent with DOS Foreign Affairs Manual

We found NSF’s policy was inconsistent with DOS’ *Foreign Affairs Manual*. Specifically, as previously described, NSF staff were required to use an official passport for all official international travel. NSF’s policy also included an incorrect statement indicating that DOS requires U.S. government employees to use an official passport when traveling abroad to

¹A *passport* is “a travel document regardless of format issued under the authority of the Secretary of State attesting to the identity and nationality of the bearer.” (22 CFR 51.1) U.S. passports may be issued to U.S. nationals only. (22 CFR Sec. 51.2(a))

² DOS, *Foreign Affairs Manual*, 8 FAM 503.2-1.

³ DOS, *Foreign Affairs Manual*, 8 FAM 503.2-2

⁴ NSF Bulletin No. 07-07, *Mandatory Use of the Official Passport for Foreign Travel*

perform official duties. Per DOS' *Foreign Affairs Manual*, "[t]here is no general requirement that special-issuance passports be used for temporary duty [international] travel originating from the United States[.]" unless there is a country-specific requirement to the contrary.⁵

In addition, NSF employees did not always have sufficient time to apply for and receive an official passport before a time-sensitive trip. In these cases, NSF allowed the employees to travel on their regular passports but required them to sign a memorandum, "Official Passport Use vs. Personal Passport Use While On Government Travel," which indicated the travelers' acceptance of certain risks allegedly associated with traveling on a regular passport. An NSF official familiar with the creation of the risk memorandum stated they developed it to ensure mission-critical work could proceed in the event DOS could not issue an official passport in time to begin international travel. By signing the memorandum, the traveler acknowledged they should be using an official passport and understood that the NSF travel office would have limited ability to assist in the event of certain situations, such as changes in weather, health, injury, and uprisings. It also included a warning that "[i]f you travel internationally on your personal passport for a work-related trip, the ownness [sic] is taken upon yourself in the event of any of the forementioned scenarios." NSF's mandatory memorandum was concerning because it required staff to confirm they were (1) knowingly violating NSF travel policy, and (2) assuming the risk of being left without aid from NSF should an emergency arise while traveling abroad.

A DOS staff member confirmed that the type of passport used to gain entry to a foreign country implies no special status for U.S. nationals abroad, noting that official passports simply attest that the bearer is traveling on official or diplomatic business for the U.S. government or is an accompanying family member. Official passports do not confer diplomatic privileges and immunities or other similar benefits.

During this inspection, NSF reached out to DOS to clarify its requirements and guidance. DOS advised NSF to stop requiring staff to sign the risk memorandum, and NSF complied with DOS's advice. Further, NSF updated its policy⁶ to allow staff, if approved by their Assistant Director or Office Head and NSF's Deputy Chief Operating Officer, to travel on their regular passports "[i]f travel is mission critical and the traveler is unable to acquire an official passport in time to travel[.]"

NSF Corrective Actions

We confirmed that NSF updated its policy to align with DOS guidance and complied with DOS advice to stop requiring staff to sign a risk memorandum. This action satisfactorily addresses this report's findings, thus we are not making any recommendations.

⁵ DOS, *Foreign Affairs Manual*, 8 FAM 503.2-2

⁶ NSF Bulletin No. 23-03, Mandatory Use of the Official Passport for Foreign Travel

Agency Response

Wonzie L. Gardner, Head, Office of Information and Resource Management, responded as follows on October 24, 2023: NSF extends our appreciation to the OIG for its review of NSF's passport policy and for acknowledging our responsive actions.

Appendix A: Objective, Scope, and Methodology

The objective of our inspection was to determine whether NSF adheres to applicable laws and NSF and DOS guidance to ensure staff obtain official passports, if required, prior to travel outside of the United States on NSF business.

We reviewed DOS and NSF guidance, interviewed relevant staff, and obtained passport data from NSF.

We conducted this inspection from November 28, 2022, to October 20, 2023, in accordance with the *Quality Standards for Inspection and Evaluation*, December 2020.

Key contributors to this inspection included Laura Rainey, Elizabeth Kearns, Daniel Buchtel, Holly Snow, Elizabeth Argeris Lewis, Karen Scott, and Keith Nackerud.

About NSF OIG

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National Defense Authorization Act (NDAA) General Notification

Pursuant to Pub. L. No. 117-263 § 5274, business entities and non-governmental organizations specifically identified in this report have 30 days from the date of report publication to review this report and submit a written response to NSF OIG that clarifies or provides additional context for each instance within the report in which the business entity or non-governmental organizations is specifically identified. Responses that conform to the requirements set forth in the statute will be attached to the final, published report.

If you find your business entity or non-governmental organization was specifically identified in this report and wish to submit comments under the above-referenced statute, please send your response within 30 days of the publication date of this report to OIGPL117-263@nsf.gov, no later than December 6, 2023. We request that comments be in .pdf format, be free from any proprietary or otherwise sensitive information, and not exceed two pages. Please note, a response that does not satisfy the purpose set forth by the statute will not be attached to the final report.