



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE GENERAL COUNSEL

January 15, 2021

President Jay Gogue
Auburn University
107 Samford Hall
Auburn, Alabama 36849

Via Electronic Mail

Re: Preliminary Inquiry Regarding Potential Violations of 20 U.S.C. § 1011f

Dear President Gogue:

Section 117 of the Higher Education Act of 1965 (20 U.S.C. § 1011f) requires Auburn University to disclose gifts, contracts, and/or restricted and conditional gifts or contracts from or with a foreign source to the U.S. Department of Education (“Department”). These reports are posted at <https://studentaid.ed.gov/sa/about/data-center/school/foreign-gifts>.

Auburn is [classified](#) as a “Carnegie Research-1” or “R-1” institution and ranked 115th in the nation by total R&D expenditure according to [data reported](#) by the National Science Foundation. The NSF reported Auburn’s 2017 R&D expenditures at \$190,000,000. Carnegie R-1 institutions conduct the bulk of U.S. academic research and are collectively entrusted with billions in taxpayer funds each year. They also tend to collaborate closely with foreign sources, accounting for over eighty-five percent of all funds [reported](#) to the Department.

Auburn’s self-described collaboration with foreign sources include an [Office of Global Programs](#) in the Department of Agriculture, a [Korea Center – King Sejong Institute](#), and extensive administrative support for [international contracts](#). One such contract is a 2015 agreement [with the Ocean University of China](#) under which OUC provides funding for a Joint Center for Aquaculture and Environmental Sciences as part of what appears to be a [broader relationship](#) between Auburn and OUC. Another would appear to be connected to auto manufacturers [in South Korea](#). According to the Office of International Programs, Auburn faculty took [276 international research trips](#) in 2018. Auburn’s Office of Research Compliance provides considerable support for international work, including [resources relating to foreign influence](#). It provides guidance on international travel, including extensive coverage of the [risk of espionage](#), due to the sensitive nature of Auburn’s research work.

However, since 1987 Auburn has apparently reported only two foreign source contracts under Section 117. By comparison, Auburn University-Montgomery, ranked by NSF 788th in total

R&D expenditures at \$430,000, reported twenty-four foreign contracts in the period from 2013 to 2017. Given Auburn's extensive self-described engagement with foreign sources, the Department is therefore concerned Auburn may be violating Section 117.

Consequently, we are opening this preliminary inquiry, directed by the Department's Office of the General Counsel with support from the Office of Federal Student Aid, to determine the nature and extent of Auburn's Section 117 violations, if any. Please arrange for Auburn's general counsel to contact Paul R. Moore, Chief Investigative Counsel, and/or Kevin D. Slupe, Special Counsel, at his or her earliest convenience. Also, Auburn should produce the following records within twenty-one days:

A. True copies of all gift or donation agreements and/or contracts, whether restricted and conditional or otherwise, by and between Auburn and any "foreign source" as defined at 20 U.S.C. § 1011f(h)(2). The relevant time for this request is January 1, 2016 to the present.

B. All records in Auburn's possession or control relating or referring to Section 117 compliance activities and obligations. The relevant time for this request is January 1, 2016 to the present.

Thank you in advance for your cooperation.

Sincerely yours,

Reed D. Rubinstein
Principal Deputy General Counsel delegated
the Authorities and Duties of the General Counsel

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