

# EXHIBIT A

**U.S. DEPARTMENT OF ENERGY**  
**OFFICE OF INSPECTOR GENERAL**

**MEMORANDUM OF INVESTIGATIVE ACTIVITY**

On January 4, 2022, Assistant United States Attorney (AUSA) Timothy Kistner, United States Attorney's Office District of Massachusetts (USAO-MA), AUSA Jason Casey, USAO-MA, Trial Attorney David Aaron, Counterintelligence and Export Control Section, Department of Justice (DOJ), and Assistant Special Agent in Charge Justin Kessel and Special Agent (SA) Alexander J. Ferrari of the U.S. Department of Energy (DOE), Office of Inspector General (OIG) telephonically interviewed Dr. Andrew Schwartz, Acting Director, Materials Sciences and Engineering Division, Office of Basic Energy Sciences (BES), Office of Science, DOE. Dr. Schwartz can be reached at [REDACTED]. The activity was conducted in furtherance of an official OIG investigation into allegations that Dr. Gang Chen of the Massachusetts Institute of Technology (MIT) engaged in grant fraud.

Dr. Schwartz is the acting supervisor of Dr. Refik Kortan. Dr. Kortan is a Program Manager in the Physical Behavior of Materials Group and reviewed MIT's 2017 grant proposal where Dr. Chen was the Principal Investigator.

SA Ferrari requested Dr. Schwartz attend a teleconference with individuals from DOE OIG and DOJ. Prior to the teleconference, SA Ferrari provided Dr. Schwartz with DOE Funding Opportunity Announcement (FOA) DE-FOA-0001664 [Attached]. SA Ferrari additionally provided a list of positions alleged to have been held by Dr. Chen at the time of a 2017 grant proposal to DOE, and at the time of a 2019 periodic report, which is as follows.

*The complaint alleges that Chen had the following appointments or activities which were not disclosed to DOE on his 2017 grant application:*

- 1) *That he was a 4th Overseas Expert Consultant to the PRC government;*
- 2) *That he served on the advisory board of Southern University of Science and Technology;*
- 3) *That he was a "review expert" for the National Natural Science Foundation of China;*
- 4) *That he was an "overseas strategic scientist" for the Zhongguancun Development Group; and*
- 5) *That he was an advisor to the Chinese Scholarship Council.*

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Activity: Interview of BES Acting Division Director Dr. Andrew Schwartz

Date of Activity: January 4, 2022 Location: Denver, CO Case No.: [REDACTED]

By: Special Agent (SA) Alexander J. Ferrari [REDACTED]

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**Memorandum of Investigative Activity**

**Dates of Activity:** January 4, 2021

**Case:** [REDACTED]

*The complaint also alleges that Chen had the following appointments or activities which were not disclosed to DOE in his 2019 progress report:*

- 1) *That he was a participant in the PRC's "Top Talent Wuhan City partner" and "3551 Optics Valley" Talent Plans; and*
- 2) *That he was a consultant and advisor to the "Outstanding Talent Plan" to the "Chongqing No. 2 Foreign Language School," for which he was paid approximately \$28,000.*

The interview began at approximately 1:00 PM Eastern Standard Time.

AUSA Kistner asked Dr. Schwartz if he had reviewed the FOA, particularly the disclosure requirements under Appendix 1 (Biosketch) and Appendix 2 (Current and Pending Support). Dr. Schwartz confirmed he had reviewed it and knew what disclosures would be material at the time the award application and periodic report were submitted.

**Award Application**

AUSA Kistner asked if Dr. Chen was required to report that he was a 4<sup>th</sup> Overseas Expert Consultant to the PRC government. Dr. Schwartz stated that he did not think so. AUSA Kistner asked what would have happened had it been reported. Dr. Schwartz said that he wasn't sure that if by 2017 these types of affiliations would have caused further inquiry. He stated that today, this affiliation would be flagged for the contract office, but in 2017 it may not have been. Dr. Schwartz stated that in 2017, it would be unlikely to alter the decision of his office, but he was not sure if it would have altered the contracting decision.

ASUA Kistner asked if Dr. Chen was required to report he served on the advisory board of Southern University of Science and Technology. Dr. Schwartz said he assumed this was a Chinese university. He then stated that he did not think it was necessary to report, and that many applicants don't include their advisory board positions.

ASUA Kistner asked if Dr. Chen was required to report he was a "review expert" for the National Natural Science Foundation of China. Dr. Schwartz said "definitely not".

ASUA Kistner asked if Dr. Chen was required to report he was an "overseas strategic scientist" for the Zhongguancun Development Group. Dr. Schwartz stated that reporting this role was more complicated and that he did not know what this position entailed. AUSA Kistner described the position and that the company was a State-Owned Enterprise of the PRC-government and Dr. Schwartz said if it was similar to the advisory board role with Southern University of Science and Technology, it would not need to be reported under Appendix 2. He stated that under Appendix 1 (Biosketch) professional roles were supposed to be reported, but that he believed the form was limited to two pages while many professors have *curriculum vitae* of 20 or 30 pages.

ASUA Kistner asked if Dr. Chen was required to report he was an advisor to the Chinese Scholarship Council. Dr. Schwartz said no.

**Memorandum of Investigative Activity**

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**Periodic Report**

ASUA Kistner asked if Dr. Chen was required to report in his 2019 periodic report he was a participant in the PRC's "Top Talent Wuhan City partner" and "3551 Optics Valley" Talent Plans. Dr. Schwartz stated that he did not think so, as he did not think the 2019 periodic report required a Current and Pending Support page.

ASUA Kistner asked if Dr. Chen was required to report in his 2019 periodic report that he was a consultant and advisor to the "Outstanding Talent Plan" to the "Chongqing No. 2 Foreign Language School," for which he was paid approximately \$28,000. Dr. Schwartz stated he did not think so.

The interview ended at approximately 1:20 PM Eastern Standard Time.