

Policy on International Engagement

Fermilab Governance Management System Policy #2017-05

1. Purpose

This policy outlines Fermilab implementation of not only DOE Policy 485.1 but also expectations of DOE Office of Science (SC-1, SC-2, and SC-3), DOE International Affairs, and DOE General Counsel with respect to how the laboratory presents itself and interacts with entities outside the United States.

The Department is committed to making DOE National Laboratories available to non-DOE entities, including foreign entities, as long as such work is consistent with or complementary to the missions of DOE and the laboratory to which the work is to be assigned, and does not impede the laboratory's ability to successfully accomplish its DOE missions.

Additional procedures, primarily maintained by the Fermilab Office of Partnerships and Technology Transfer support the systematic implementation of these requirements.

2. Scope

This policy addresses all formal, pre-arranged interactions with leaders of foreign-government entities subject to several caveats and exclusions below. The fundamental principle is to have Fermilab representatives cognizant of their role with respect to Fermilab, U.S. DOE, and the US government.

3. Applicability

This policy applies to all Fermilab employees and users.

4. Effective date

This policy goes into effect May 15, 2016.

5. Policy

1. In any approved interaction with a foreign-government entity Fermilab personnel shall not represent the Department of Energy (DOE) or the United States government (USG) and shall not appear to do so.

2. Any engagement by Fermilab personnel with a foreign-government entity must be cleared by the Fermilab Director prior to contact who in turn will request DOE concurrence.
 - a. Meetings with foreign-government entities such as Embassies, particularly interactions with an Ambassador of a foreign country, may be executed by Fermilab personnel at the direction of the Fermilab Director. An international team member and a member from DOE Office of High Energy Physics or a member of DOE International Affairs shall be present.
 - b. In professional meetings where incidental interactions with foreign-government representatives naturally occur and topics of engagement informally arise, Fermilab personnel must make clear that they do not formally represent Fermilab, DOE, or the USG in this matter.
 - c. A DOE-approved foreign engagement strategy may be executed by Fermilab personnel under the direction of the Fermilab Director.
 - d. In cases where Fermilab personnel also serve as spokespersons for international scientific collaborations with expectations to interact with foreign scientific communities and/or funding agencies, good judgment and clear communication with the Fermilab Director are required.
3. Peer-to-peer discussions regarding LBNF/DUNE/PIP-II are welcomed and are not restricted, subject to Item 4 below.
4. No contact for the purpose of recruiting participation in DUNE may be made by Fermilab personnel with scientific communities in other countries without the cognizance and concurrence of DUNE management. DUNE management includes the DUNE Spokespersons, the DUNE Resource Coordinator, and the DUNE Technical Coordinator. All scientific recruitment efforts for DUNE are handled by the DUNE Spokespersons, not the Fermilab international team.
5. Only DOE may initiate discussions with foreign-government entities of nations that lack neutrino-physics communities.
6. On discussion matters related to the PIP-II technology, the Fermilab Director is the lead, with the cognizance of the DOE Office of Science.

6. Definitions

Engagement – Collaborative discussions and/or partnership opportunities between DOE laboratories and foreign entities utilizing any of the following mechanisms: Memoranda of Understanding, Strategic Partnership Projects, Cooperative Research and Development Agreements including the so-called i-CRADA, Agreements for Commercializing

technology, and/or any other similar legally binding contractual instrument between DOE or a laboratory and one or more foreign entities.

Foreign Entities -- foreign entities include: (1) any foreign government or foreign government agency or instrumentality thereof including laboratories; (2) any international organization; (3) any form of business enterprise or legal entity organized, chartered or incorporated under the laws of any country other than the United States or its territories; (4) any form of business enterprise organized or incorporated under the laws of the United States or a State or other jurisdiction within the United States which is owned, controlled or influenced by a foreign government, agency, firm, or corporation; and (5) any person who is not a citizen or national of the United States.

7. Responsibilities

1. The International Strategy Matrix is a living document, must be kept up-to-date by the by the Chief of Staff (COS) with input from the International team, and represents a record of actions and intentions with regard to laboratory engagement with foreign entities especially for the LBNF/DUNE/PIP-II initiatives. The Fermilab Director is responsible for the content of the document on the Fermilab side. Once updated by Fermilab, the matrix shall be shared with the DOE Office of High Energy Physics (HEP) for concurrence and subsequent transmittal to the Office of Science (SC).
2. The team that will steward the international strategy matrix will meet regularly with key participation from DOE Office of Science, Office of High Energy Physics, Fermi Site Office (FSO), and the Fermilab Director.
 - a. Designated by the Director, the Fermilab Chief of Staff (COS) will be the Fermilab point-of-contact for routine communication and conversation on the international strategy matrix with Office of High Energy Physics and the Office of Science International Programs Office.
3. If members of Fermilab hear any concerns from the HEP community in the U.S. or abroad about the development of international partnerships, these concerns should be brought to the attention of the Fermilab Director and Office of High Energy Physics (OHEP). Moreover, any concerns particularly from the LHC community should also be brought to the attention of the CMS National Contact Physicist for U.S.-DOE and the Fermilab Director.
4. Key conversations with senior management at CERN need to be shared with the Fermilab Director, who will communicate to HEP.
 - a. Note that CERN is a special case: as an intergovernmental organization, it exists outside of conventional political structures and does not have separate funding agency oversight except through CERN Council. For purposes of international agreements, CERN is a government-like entity

and the CERN Director is equivalent to the Secretary of Energy or the NSF Director. However, for scientific matters the CERN Director is more equivalent to the Fermilab Director, so (unlike other governments) Fermilab management can have regular direct contact with CERN management. CERN is also a long-standing partner of the US in HEP research. Relationships with CERN are unique and central to the US HEP strategic plan going forward and need to be carefully maintained.

5. Only those advised have been delegated authority to execute plans of engagement on behalf of the Fermilab Director. Any paths to written agreements need to proceed through appropriate and formal channels.
6. Significant engagements, e.g., those related to international agreements, potential in-kind contributions, recruitment, or future engagement opportunities, should be communicated to the Fermilab Director who will then document in the international strategy matrix.
7. All international agreements require the approval of DOE before they can be signed. All international agreements go through Fermilab (CRO, COO, COS) before going for DOE approval. The Office of Partnerships & Technology Transfer (OPTT) coordinates packages for DOE approval.
8. Legal agreements between governments are managed directly by DOE. Legal agreements related to partnerships with institutions, universities, funding agencies, and research organizations may fall under special agreements if determined by DOE.
9. A memorandum of understanding (MOU) is a general statement of intent which cannot contain specific financial commitments or deliverables. An MOU is not a legally binding agreement. DOE strictly controls the use of MOUs. Non-legally binding documents (such as an MOU) must still be sent to the FSO Contracting Officer. The decision to establish an MOU will be made by a combination of the Fermilab Director, CRO, COO, and COS. The Head of OPTT is responsible for implementing procedures as part of the Partnership Management System. HEP concurrence is needed, and for international agreements, other parts of DOE headquarters may be engaged by the FSO.
10. Any i-CRADA (each country may be unique because of IP rules) or CRADA agreements shall be reviewed and approved by the Head of OPTT on the Fermilab side, and FSO Contracting Officer before being transmitted to the partner. Once officially agreed by the international partner and formally vetted by DOE, the i-CRADA may be signed by Fermilab Director on the Fermilab side.

8. Owner

Responsibility for reviewing, updating and communicating changes to this policy rests

with the Fermilab Director and his/her Chief of Staff. The Chief Operating Officer provides support and implementation oversight.

9. Review cycle

This policy is to be reviewed at least every three years.

10. Notes

1. On matters related to the LCLS-II technology, Stanford National Accelerator Laboratory (SLAC) and the DOE Office of Basic Energy Sciences (BES) must be consulted before any discussions take place. In parallel, SC should be informed.
2. All expenses at Fermilab associated with international activities including the student program must be pre-approved by Fermilab CFO and COO. Expense reports will track budget.
3. All international student programs to be coordinated by WDRS.
4. Import and Export Control on property will be handled by the Fermilab COO.
5. A web page for international strategy will reflect the team effort and include associated procedures and policies.



Nigel S. Lockyer
Director of Fermilab

August 11, 2017

Date