

Policy on International Engagement

Fermilab Governance Management System Policy #2017-05

1. Purpose

This policy outlines Fermi Research Alliance, LLC (FRA) implementation of Department of Energy (DOE) Policy 485.1, as well as expectations of the DOE Office of Science (SC-1, SC-2, and SC-3), DOE International Affairs, and the DOE General Counsel with respect to how the laboratory presents itself and interacts with government entities outside the United States. This policy is in alignment with the DOE/SC Science and Technology Risk Matrix Guidance, dated December 13, 2019.

The Department is committed to making DOE National Laboratories available to non- DOE entities, including foreign entities, as long as such work is complementary to the missions of DOE and the laboratory to which the work is to be assigned.

Additional procedures, primarily maintained by the Office of the Director, support the systematic implementation of these requirements.

2. Scope

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

3. Applicability

This policy applies to FRA and all its employees and Fermilab users.

4. Effective Date and Date Reviewed/Updated

This policy goes into effect May 15, 2016 and its update was effective on January 21, 2020.

5. Definitions

Memorandum of Understanding (MOU) – A general statement of intent which cannot contain specific financial commitments or deliverables. An MOU should only be used for informal, non-R&D, non-legally binding collaboration where a simple statement of intent for future collaboration is sufficient. See Fermilab Memorandum of Understanding Policy.

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Engagement – Collaborative discussions and/or partnership opportunities between DOE, DOE laboratories and foreign entities, using any of the following mechanisms: Implementing Agreements and Project Annexes are initiated by DOE and the Office of the Director provides input; Memoranda of Understanding (MOUs) and International Cooperative Research and Development agreements (ICRADAs) are initiated by the Office of the Director in coordination with DOE and the documents are prepared by the Fermilab Office of Partnerships and Technology Transfer (OPTT).

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 U.S. or its territories; (4) any form of business enterprise organized or incorporated under the laws of the U.S. or a State or other jurisdiction within the U.S. 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 U.S.

International Team Member – A team comprised of representatives from the Fermilab Directorate.

International Strategy Matrix – A living document, which must be kept up-to-date by the Chief of Staff with input from the Fermilab 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 that is passed onto DOE. The matrix shall be shared with the DOE/HEP for concurrence and subsequent transmittal to the DOE/SC Office of International Affairs.

6. Policy

- a. In any approved interaction with a foreign entity, FRA personnel shall not represent the DOE or the U.S. government and shall not appear to do so.
- b. Any formal engagement by FRA personnel with a foreign entity must be cleared by the Fermilab Director prior to contact, who in turn will request DOE concurrence.
 - i. Meetings with foreign-government entities such as Embassies, particularly interactions with an Ambassador of a foreign country, may be executed by FRA personnel at the direction of the Fermilab Director. An international team member and a member from the DOE Office of High Energy Physics (DOE/HEP) or a member of DOE International Affairs shall be present.
 - ii. In professional meetings where incidental interactions with foreign representatives naturally occur and topics of engagement informally arise, FRA personnel must make clear they do not formally represent FRA, DOE, or the U.S. government in this matter.

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- iii. A DOE-approved foreign engagement strategy may be executed by FRA personnel under the direction of the Fermilab Director.
 - iv. 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.
- c. Peer-to-peer discussions regarding LBNF/DUNE/PIP-II are welcomed and are not restricted, subject to Item d below.
 - d. No contact for the purpose of recruiting participation in DUNE may be made by FRA personnel with scientific communities in other countries without the cognizance and concurrence of DUNE management. DUNE management includes the DUNE Spokespeople, the DUNE Resource Coordinator, and the DUNE Technical Coordinator. All scientific recruitment efforts for DUNE are handled by the DUNE Spokespeople, not the Fermilab international team.
 - e. Only DOE may initiate discussions with foreign entities of nations that lack neutrino physics communities.
 - f. On discussion matters related to the PIP-II technology, the Fermilab Director is the lead, with the cognizance of the DOE Office of Science (DOE/SC).
 - g. All expenses at Fermilab associated with international activities, including the student program, must be pre-approved by the Fermilab Chief Financial Officer and the Chief of Staff. Expense reports will track budget.
 - h. If members of Fermilab hear any concerns from the DOE/HEP community in the U.S. or abroad about the development of international partnerships, these concerns must be brought to the attention of the Fermilab Director and DOE/HEP. Moreover, any concerns particularly from the LHC community should also be brought to the attention of the CMS National Contact Physicist for the DOE and the Fermilab Director.
 - i. Key conversations with senior management at CERN need to be shared with the Fermilab Director, who will communicate to DOE/HEP.

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 the CERN Council. For purposes of international agreements, CERN is a government-like entity and the CERN Director General is equivalent to the Secretary of Energy or the NSF Director. However, for scientific matters, the CERN Director General is more equivalent to the Fermilab Director, so (unlike other governments) FRA management can have regular direct contact with CERN management.

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- j. Significant engagements, e.g., those related to international agreements, potential in-kind contributions, recruitment, or future engagement opportunities, should be communicated to the Chief of Staff who will then document in the International Strategy Matrix.

7. Responsibilities

- a. The team that will steward the International Strategy Matrix will meet regularly with key participation from DOE/SC, DOE/HEP, Fermilab Site Office (DOE/FSO), and the Fermilab Director.
 - i. Designated by the Fermilab Director, the Fermilab Chief of Staff will be the Fermilab point-of-contact for routine communication and conversation on the international strategy matrix with DOE/SC and the DOE/SC International Programs Office.
- b. The Chief of Staff is responsible for defining the scope of the all ICRADA agreements. All ICRADA agreements shall be reviewed and approved by the Head of OPTT and the DOE/FSO Contracting Officer before being transmitted to the partner. Once officially agreed by the international partner and formally vetted by DOE, the ICRADA may be signed by the Fermilab Director.
- c. The Fermilab Directorate will coordinate all international student programs.
- d. Fermilab Office of the General Counsel will handle the Import and Export Control on Fermilab property
- e. The Fermilab Director's approval is required for all international agreements prepared by Fermilab before submitted to DOE for approval. Fermilab OPTT coordinates packages for DOE approval. DOE approval is required for all international agreements before they can be signed.
- f. The Department of Energy directly manages all legal agreements between government. If determined by DOE, legal agreements related to partnerships with institutions, universities, funding agencies, and research organizations may fall under special agreements.
- g. The Fermilab Director has the deciding authority on establishing an MOU. The Chief of Staff is responsible for defining the scope of the MOU and works with the Head of OPTT to process and prepare the document. DOE/HEP concurrence is needed for all international MOUs. Other parts of DOE headquarters may be engaged by the DOE/FSO. Non-legally binding documents (such as an MOU) must still be sent to the DOE/FSO Contracting Officer.

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8. Authorities

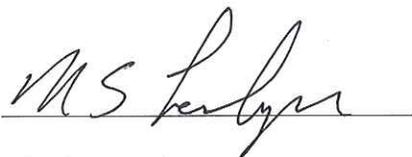
- a. DOE Policy 485.1, Foreign Engagements with DOE National Laboratories
- b. DOE Memorandum for Science and Technology Risk Matrix Guidance, dated December 13, 2019

9. Owner

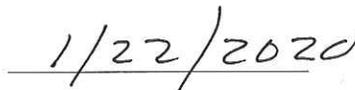
Responsibility for reviewing, updating and communicating changes to this policy rests with the Fermilab Director and the Chief of Staff.

10. Review cycle

This policy is to be reviewed at least every three years (next review January 2023).



Nigel S. Lockyer
Fermilab Director



Date

