



The Secretary of Energy
Washington, D.C. 20585

May 14, 2012

MEMORANDUM FOR DISTRIBUTION

FROM: STEVEN CHU 

SUBJECT: Laboratory Memoranda of Understanding (MOUs) with Foreign Partners

This memorandum establishes policy and procedures for any Memoranda of Understanding (MOUs)* between DOE National Laboratories and any foreign entity, whether governmental or private. I will rely upon each Laboratory Director to ensure that these requirements are met for any MOU entered into with a foreign partner.

The international nature of science and the wide-ranging responsibilities of the Department increasingly provide incentives for the National Laboratories to engage with partners around the world. Memorializing those undertakings helps establish roadmaps for collaborative work. But any such MOU involving our National Laboratories must meet several tests:

- First, they must align with the strategic interests and policies of the United States;
- Second, they must be legally sound; and
- Third, due diligence must be performed to ensure that any counterintelligence considerations are addressed.

Each laboratory shall have a process to ensure that MOUs with foreign partners meet these three tests, and that MOUs are reviewed by both the Senior Counterintelligence Officer for the laboratory and DOE Site Office counsel before they are signed.

Within 45 days, each Site Office Manager shall confirm in writing to the relevant Program Secretarial Officer that each laboratory under its purview has an adequate procedure to review MOUs with foreign partners, and should include a copy of that procedure.

* "MOU" includes Memorandum of Understanding, Memorandum of Agreement, Statement of Intent, Letter of Intent, Declaration of Principles, or similar document whatever its title, and may be used only for informal, non-R&D, non-legally binding collaboration. Contractual instruments such as Work for Others (WFO) contracts or Cooperative Research and Development Agreements (CRADAs) are already subject to prescribed statutory and regulatory requirements and DOE Orders.



In addition, upon signature of any future MOU with a foreign partner, the laboratory shall provide within 20 days a pdf copy of the MOU to the Office Director for International Cooperative Activities in the DOE Office of Policy and International Affairs - at labagreements@hq.doe.gov - so that the Department has a complete record of ongoing cooperative activities. This office can also provide assistance in creating a laboratory's review and approval process for MOUs, or in addressing any immediately pending MOUs. The contact is labagreements@hq.doe.gov or (202) 586-6569.

DOE Headquarters will instruct the laboratory not to implement any MOU discovered not to meet the above-mentioned practical tests. I believe this approach will preserve flexibility for the laboratories in the conduct of their work while meeting our Federal management obligations and policy requirements.

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