

SUBJECT:	Procedure for MOUs Between Fermilab & Foreign Partners	NUMBER:	4501
RESPONSIBILITY:	Fermilab Chief Operating Officer	REVISION:	01
APPROVED BY:	Fermilab Chief Operating Officer	EFFECTIVE:	06/29/2012

1.0 Purpose

The purpose of this procedure is to ensure that proposed MOUs between Fermilab and a non-US institution are managed in accordance with the guidance in the 14 May 2012 Memo from Secretary of Energy Steven Chu on MOUs with Foreign Partners.

2.0 Scope

This procedure applies to all proposed MOUs between Fermilab and a non-US institution. This includes Memorandum of Understanding, Memorandum of Agreement, Statement of Intent, Letter of Intent, Declaration of Principles or similar document whatever its title, and must only be used for informal, non-R&D, non-legally binding collaboration. Contractual instruments such as Work for Others, CRADAs, etc. are already subject to statutory and regulatory requirements and DOE orders (cited from Secretary Chu's 14 May 2012 Memo).

3.0 Responsibilities

3.1 Chief Operating Officer (COO)

- Reviews all proposed MOUs between Fermilab and a non-US institution.

3.2 All Employees

- Comply with this procedure

4.0 Procedure

4.1 All proposed MOUs between Fermilab and non-US institutions will be submitted to Fermilab's Chief Operating Officer (COO).

4.2 The COO will verify, based on input from the Fermilab initiator of the MOU, that the proposed MOU meets the following tests given by Secretary Chu's Memo of 14 May 2012:

- a) It must align with the strategic interests and policies of the United States (in our case that is the Mission of Fermilab as set out in the FRA Contract with DOE in Contract DE-AC02-07CH11359)
- b) It must be legally sound (not make any legally binding commitment)
- c) Due diligence must be performed to ensure that any counterintelligence considerations are addressed (Export Control, sensitive countries, etc.)

If necessary, the COO will return the MOU to the initiator for modifications to meet these requirements.

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4.3 The COO will prepare an electronic transmittal letter for the MOU giving information on the non-US institution; whether a government to government agreement exists; any applicable MOU need date; and the impact if the need date is not met. This, together with the MOU, information from Item 2 above, and any other pertinent information, will be submitted to DOE's Fermi Site Office (FSO) for approval.

4.4 A general (but not always applicable) sequence is that there be an MOU between Fermilab and the non-US institution stating that the two entities intend to collaborate in the future. Under this MOU will be subsequent agreements (in the past variously called Annexes, Accords, Addenda, etc.) which describe specific collaboration actions. Any transfer of funds under these agreements will be carried out using Fermilab's standard procedures (which may include Purchase Orders, User Agreements, CRADAs, WFO, Project Annexes or other written agreement).

5.0 Records

MOUs signed by Fermilab and another institution maintained by the office of the COO

6.0 Review Cycle

This procedure will be reviewed when deemed necessary by the COO

6.1 Document Owner

Fermilab Chief Operating Officer

6.2 Reviewers

Chief Operating Officer
General Council

6.3 Approver

Chief Operating Officer

7.0 Policy and Program Documents

Directors Policy #45, MOUs Between Fermilab & Foreign Partners

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8.0 Definitions

Memorandum of Understanding (MOU): A signed agreement between two parties signifying an intent to collaborate

For purposes of this procedure this includes memorandum of Understanding, Memorandum of Agreement, Statement of Intent, Letter of Intent, Declaration of Principles or similar document whatever its title, and must only be used for informal, non-R&D, non-legally binding collaboration.

Non-US Institution: Any institution that is outside the United States of America as broadly understood

9.0 References

Memo of 14 May 2012 from United States Secretary of Energy Steven Chu on MOUs with Foreign Partners

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Table of Revisions

Author	Description	Revision	Date
Roy Rubinstein	Created on behalf of the COO in response to Memo of 14 May 2012 from United States Secretary of Energy on MOUs with Foreign Partners	00	05/31/2012
Jed Heyes	Put into standard procedure format with version control & revisions to 4.1, 4.3 & 4.4 with DOE input	01	06/29/2012