




The Deputy Secretary of Energy

Washington, DC 20585

December 14, 2018

MEMORANDUM FOR HEADS OF DEPARTMENTAL ELEMENTS

FROM: DAN BROUILLETTE 

SUBJECT: Department of Energy International Science and Technology Engagement Policy

International research collaboration¹ and the openness of the U.S. scientific community continue to be a bedrock for U.S. scientific research and technological development. However, foreign countries have also exploited the openness of the U.S. system to their benefit, and the detriment of U.S. national interests. The consequences of this exploitation particularly have affected Department of Energy (DOE) laboratories and U.S. taxpayer-funded research. In addition, a number of countries have stated publicly their aim to supplant the United States as the world's economic superpower over the next few decades through both heavy investment of their own and outright theft from others, including the United States; in order to promote scientific and technological development within their own countries.

Policy Working Group:

In order to identify and implement policy changes to address the risks associated with international research collaboration to the DOE scientific enterprise, I am establishing the DOE Federal Oversight Advisory Body (FOAB). The FOAB will be a sub-group to the Deputy Secretary Working Group on Economic and National Security Issues (WGENSI)² and advise this body. The FOAB will consist of Federal representatives from the Offices of the Under Secretaries for Science, Energy, and Nuclear Security, and the Office of Intelligence and Counterintelligence (IN), as well as, additional personnel identified by the WGENSI. Representatives' names should be provided by their Under Secretary or Director to me within 30 days of the issuance of this memorandum. The FOAB will be responsible for reviewing and maintaining the Science and Technology (S&T) Risk Matrix, processing exemption requests, and providing regular feedback on the policy's effectiveness. The FOAB will support the two-way communication of this and future foreign S&T engagement policies with laboratory leadership.

S&T Risk Matrix:

It is incumbent on DOE to establish clear policy guidance on what areas of international scientific research collaboration pose potential risks to U.S. national interests. A key component to articulating this guidance will be the DOE-developed S&T Risk Matrix.

¹ International Research Collaboration is defined as Foreign Visits and Assignments (FV&A), foreign travel by DOE personnel and international agreements, which is further defined as MOUs, CRADAs, SPPs, etc.

² WGENSI was signed by the Deputy Secretary on April 23, 2018.



The matrix includes emerging research areas and technologies on one axis with foreign countries on the other axis. The Under Secretary for Science, working with the National Nuclear Security Administration and DOE-IN, developed an initial list of these research areas and technologies that are in the U.S. national interest to limit sensitive country foreign nationals (SCFN) access. A comprehensive list will be created by augmenting this list with further input from the Under Secretary of Energy and the DOE laboratories. DOE-IN will identify efforts of sensitive foreign countries that pose potential threats to these research areas and technologies and assist in maintaining the overall S&T risk matrix. The matrix will provide clear guidance on areas where research collaboration with specific sensitive countries is prohibited. Exemptions for specific categories of engagement, such as those supported under government to government agreements, will ensure existing priorities are not unduly impeded.

It is expected that the S&T Risk Matrix will be completed and in use by January 31, 2019 and periodically updated by all contributors.

Immediate Policy Changes:

- Curriculum Vitae (CV) of all foreign nationals (FN) will be required to be included in each Foreign Visits and Assignments (FV&A) request to the DOE national laboratory complex³ and in the Foreign Access Central Tracking System (FACTS) database. CV⁴ must provide all the FN's science and technology specialties, all work positions with no gaps in time, and the current/accurate names of all academic institutions attended.
- SCFNs from countries identified in the S&T risk matrix are prohibited from conducting FV&A on specific research areas listed in the matrix.
 - Requests for exemptions, including the justification and a clear description of why this FV&A benefits the United States, can be made by laboratory leadership through the FOAB with final approval/disapproval granted by the appropriate Under Secretary or their designee.
- SCFN will undergo enhanced vetting⁵ prior to approval of FV&A.
- Notice of senior level⁶ SCFN visits and SCFN journalists will be provided to the FOAB at least two weeks prior to their expected arrival. The FOAB will be responsible for notifying the appropriate DOE senior officials.
- SC FV&A within the DOE national laboratory complex will be prohibited where risk cannot be effectively assessed or mitigated.
- DOE official foreign travel will be generally prohibited when it involves a country and technology identified in the S&T Risk Matrix.

³ DOE national laboratory complex includes DOE laboratories, sites, and plants.

⁴ An electronic standardized Curriculum Vitae template will be created by DOE-IN with input from the FOAB within 30 days of issuance of this memoranda.

⁵ DOE-IN will provide the FOAB with a definition of enhanced vetting within 30 days of the issuance of this memoranda and the FOAB will determine what if any additional resources will be required for implementation.

⁶ Senior-level is defined as government officials at the office director level or above until more specific guidance is provided by the FOAB.

- Requests for exemptions⁷ including the justification and a clear description of why the travel benefits the United States, can be made by laboratory leadership through the FOAB with final approval/disapproval granted by the appropriate Under Secretary or their designee.
- Broad exemptions for specific categories of engagement, such as those supported under government-to-government agreements, will ensure existing priorities are not unduly impeded.

Policy Changes Effective Upon WGENSI Approval:

- DOE National Laboratories will be prohibited from conducting international research collaborations in areas identified within the S&T Risk Matrix.
 - Requests for exemptions, including the justification and a clear description of why this agreement benefits the United States, can be made through the FOAB for concurrence with final approval/disapproval granted by the appropriate Under Secretary or their designate.
 - Broad exemptions for specific categories of engagement, such as those supported under government to government agreements and in line with National Security Council policy guidance, will ensure existing priorities are not unduly impeded.
- DOE grant, fellowship, and center recipients will be prohibited from using U.S. tax dollars to conduct international research collaborations or support sensitive country foreign nationals in areas identified in the S&T risk matrix.
 - Requests for exemptions, including the justification, can be made through the FOAB for concurrence with final approval/disapproval granted by the appropriate Under Secretary or their designate.

Policy Exceptions:

Authority to recommend subsequent policy changes relative to international research collaboration will be delegated to the FOAB for approval by the WGENSI.

It is expected that the laboratory leadership will implement these policies with appropriate oversight by the Federal site offices and the FOAB.

⁷ DOE official foreign travel exemptions may be made for multiple visits and periods not to exceed 180 days.

