

Site Access and Science Working Group Report and Report from the GUV Center

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August 14, 2009*



Overview

- Foreign Visits & Assignments
 - FACTS changes
 - DOE Order 142.3
- User Agreements
 - Overview of where we stand
 - Issues that have arisen
 - White papers
- National User Facility Organization
 - 2009 Annual Meeting
 - Industrial Report
 - User Exhibition
 - 2010 Annual Meeting

Foreign Visits & Assignments – FACTS Changes

- Preparing for audit in mid-September
- Changes to FACTS and its impact on BNL
- INS issues which create problems include:
 - Passport and visa expiration dates that expire before the two-year approval period
 - F1 days where individuals are legally allowed in the US for 60 days past the expiration of their visas
 - J1 where individuals are legally allowed in the US for 30 days past the expiration of their visas
 - H1 where people are legally in country for 240 days while awaiting extension approval

Foreign Visits & Assignments - FACTS Changes

- Changes to FACTS and its impact on BNL cont.
 - Errors when uploads information to FACTS
 - Mechanism for tracking and ensuring people don't terminate
 - Mechanism to ensure records remain active in FACTS and close-outs are not done
 - Front gate scanners aren't affected

Foreign Visits & Assignments – DOE Order 142.3

- ORNL, ANL, BNL, Fermilab, LBNL worked together to draft a unified RevCom response to DOE Order 142.3
- Issues raised in response
 - Immigration terminology
 - Immigration-related documentation are not consistently reflected in FACTS
 - The style, format, and presentation of the Order can be confusing which tend to lead to wide interpretations

Foreign Visits & Assignments – DOE Order 142.3

- Recommend that the Order be rewritten by a joint team of DOE and laboratory stakeholders, specifically including user administrators
- Until Order is rewritten we recommended the following change be made immediately

Foreign Visits & Assignments – DOE Order 142.3

- Laboratories should be granted site-level access approval for sensitive country foreign nationals conducting fundamental research at non-classified, non-security areas and facilities within their laboratories.
- The definition of facility in the Order is “an educational institution, manufacturing plant, laboratory, office building, or complex of buildings located on a site that is operated and protected as one unit by the Department or its contractor.” Request that this be changed.

Foreign Visits & Assignments – DOE Order 142.3

- We ask that the process for approving foreign nationals born in countries that are state sponsors of terrorism be reviewed and streamlined
- Foreign nationals holding lawful permanent residence (LPR) be treated as US citizens with respect to Order
- Remove the requirement for annual re-verification of USCIS documents

Foreign Visits & Assignments – DOE Order 142.3

- Access to the Laboratories should be consistent with access documents that are acceptable for entry into the country. It currently is not (e.g., Western Hemisphere Travel Initiative (WHTI) that allow for NEXUS, FAST, or SENTRI cards for entry into the country by Mexican and Canadian citizens.
- Requirement for approving foreign national and documenting USCIA documents for meeting at offsite locations be removed.

User Agreements

- DOE issued a new Class Waiver for use at User Facilities
 - Effective April 1, 2009
 - Laboratories have 18 months to be fully compliant
 - Applies to all national laboratories
 - Responsibility lies with GUV Center.
- Types of agreements:
 - Non-proprietary
 - Proprietary
 - Open data agreement
 - Government employee*
 - Laboratory employee*

* at DOE for review

User Agreements

Existing Agreements	New Agreements
Institution keeps right to data and intellectual property	Institution keeps right to data and intellectual property
Scientists signed	Institution signs
Separate agreements for each user facility	One agreement covers all user facilities at a particular site
No end date	Five-year term which can be renewed
Non-negotiable	Non-negotiable
Sign upon arrival	Agreement must be executed prior to arrival
First person to arrive at BNL from institution signs agreement	Each scientist required to sign an acknowledgement form
~650 agreements in place	~70 agreements in place

User Agreements

- Issues of concern
 - State laws
 - Indemnity rights
 - Appendices
 - Partnership issues (e.g., RIKEN, NYBlue, NSRL)
 - Property ownership
 - Advance payments
 - Government employees
 - Other laboratory employees

User Agreements

- DOE General Counsel has distributed four white papers to laboratories for feedback—business sensitive material
- Two papers would affect User Agreements
 - Indemnification
 - Advance payment
- Laboratories are discussing with the hopes of preparing a unified response

National User Facility Organization - <http://www.nufo.org>



National User Facility Organization – General Info

- Membership includes:
 - Steering Committee (elected body)
 - User Administrators (voting members)
 - User Representatives (voting members)
 - General Membership (non-voting members)
 - Outreach Contacts
- Web page contains membership information, list servers, fact sheets, scientific accomplishments
- NUFO brochure
 - Education, fundamental knowledge, scientific accomplishments, economic competitiveness

National User Facility Organization – Annual Meeting

- [Annual Meeting and Industrial Workshop](#)
- [Industrial Usage Report](#)
- Administrative Issues
 - NUFO [benchmarking on DOE Order 142.3](#)
- NUFO Action Items
 - Industrial Report sent to all DOE offices
 - Steering Committee sending letter to Chu/Dehmer on DOE Order 142.3
 - Steering Committee to address peer-2-peer at national laboratories
 - And more

National User Facility Organization – User Facility Exhibition

- October 15, 2009 in the Caucus Room in the Cannon House Office Building in Washington, D.C.
- Posters from all NUFO user facilities followed by a reception
- User facilities have been asked to prepare posters
- Invitations to event will be sent in September

National User Facility Organization – NUFO Annual Meeting

- Proposed dates: June 7-9, 2010
- Host: Brookhaven National Laboratory
- Workshop: Educational Outreach