

SUBJECT: INTERNATIONAL COMMITMENTS MANAGEMENT

1. PURPOSE. To establish a process to manage the Department's International Commitments under the administrative direction of the Office of Policy and International Affairs.
2. CANCELLATION. None.
3. APPLICABILITY.
 - a. All Departmental Elements. Except for the exclusions in paragraph 3c, this Order applies to all Departmental elements, including those created after the Order is issued. (Go to <http://www.directives.doe.gov/pdfs/reftools/org-list.pdf> for the current listing of Departmental elements.)

The Administrator of the National Nuclear Security Administration (NNSA) will ensure that NNSA employees and contractors comply with their respective responsibilities under this Order. Nothing in this Order will be construed to interfere with the NNSA Administrator's authority under section 3212(d) of Public Law (P.L.) 106-65 to establish Administration-specific policies, unless disapproved by the Secretary.

- b. DOE Contractors. None.
- c. Exclusions.
 - (1) Agreements with domestic governmental and non-governmental entities.
 - (2) Agreements between national laboratories and foreign entities.
 - (3) Agreements between any of the Department's Power Marketing Administrations (PMAs) and foreign entities for routine and regular utility operations related to the PMAs' power and transmission systems, and specific issues related to implementation of Treaty agreements that designate a PMA as the U.S. entity.
 - (4) In accordance with the responsibilities and authorities assigned by Executive Order 12344 [statutorily prescribed by 42 USC 7158] and to ensure consistency throughout the joint Navy and DOE organization, the Naval Nuclear Propulsion Program will implement and oversee all requirements and practices pertaining to this DOE Order for activities under the cognizance of the Program's Director.

4. REQUIREMENTS.

- a. International Commitments Management Process (ICMP). The Department requires an ICMP to manage the review, approval, and performance assessment of its International Commitments (including International Agreements) to assure that those International Commitments (including International Agreements) —
- (1) Provide benefits aligned with the Department’s strategic mission;
 - (2) Comport with all applicable statutory, regulatory, and U.S. Government and Departmental policy requirements;
 - (3) Use Department resources properly; and
 - (4) Deliver expected and measurable results.
- b. ICMP Elements. The Office of Policy and International Affairs will establish a process for all Departmental elements to—
- (1) Provide notification of International Commitments to the Office of Policy and International Affairs through the ICMP Database;
 - (2) Draft International Agreements;
 - (3) Obtain timely review and approval of proposed International Commitments;
 - (4) Authorize signature of International Agreements; and
 - (5) Assess the performance of International Commitments.
- c. Notice. Any Departmental element (sponsor) proposing to initiate an International Commitment or change an existing activity that will require a commitment to or agreement with a foreign government or instrumentality or intergovernmental organization (hereinafter collectively “Foreign Entity”) must notify the Office of Policy and International Affairs (PI) of the activity and provide information to PI that satisfies the requirements of paragraph 4a. The information must be provided in accordance with guidance developed by PI and reviewed by the International Commitments Coordinating Committee.
- d. Review and Approval. Any Departmental element proposing to initiate an international activity that will require commitments to or agreements with a Foreign Entity must follow the review and approval process prescribed in guidance developed by PI and reviewed by the International Commitments Coordinating Committee before making the commitment or signing the agreement. The process will provide for:

- (1) Notification. All proposed International Commitments must be reported by the sponsoring Departmental element to PI. Exclusive of written undertakings, activities within the scope of previously approved commitments, low resource activities, and low sensitivity activities (as determined by the sponsoring office) are subject only to the notification and assessment requirements of this Order, not the review and approval requirements.
 - (2) International Agreements. All written Departmental undertakings with Foreign Entities are subject to review and approval by the Assistant Secretary for Policy and International Affairs, by delegation from the Secretary of Energy (DOE Delegation Order No. 00-018.00); concurrence of the DOE General Counsel; and consultation with the U.S. Department of State. When NNSA is the sponsor, the procedures mandated by Section 1.43 of DOE Delegation Order 00-03.00A shall apply.
- e. Performance Assessments. PI will conduct periodic assessments of International Commitments and report its findings and recommendations to the International Commitments Coordinating Committee. The assessments will be conducted using commonly accepted rating tools within the Department. Each sponsor must cooperate in the assessment process by providing assessment information in accordance with guidance developed by PI and reviewed by the International Commitments Coordinating Committee sufficient to determine how effective commitments are in terms of—
- (1) providing benefits aligned with the Department’s strategic mission;
 - (2) fulfilling the Department’s commitments;
 - (3) using Department resources properly; and
 - (4) delivering expected and measurable results.
- f. PI will maintain an electronic database of all information:
- (1) Obtained pursuant to paragraph 4c;
 - (2) Obtained pursuant to paragraph 4d, including approval records and copies of signed International Agreements; and
 - (3) Obtained pursuant to paragraph 4e.
 - (4) Obtained pursuant to paragraph 4j.
- g. PI will develop and maintain guidance documenting the ICMP, provide for its review and approval by the International Commitments Coordinating Committee, and conduct training as required.

- h. An International Commitments Coordinating Committee with responsibilities prescribed in paragraph 5d is hereby established.
- i. PI, in consultation with the International Commitments Coordinating Committee, will report monthly to the Office of the Secretary and to the Under Secretaries regarding significant changes in the Department's International Commitments, significant issues requiring the Secretary's action, and recommendations for improving the Department's international programs.
- j. All Departmental elements, including DOE and NNSA Laboratories, will provide an annual report to PI by October 1 each year which lists all active International Commitments and International Agreements.

5. RESPONSIBILITIES.

- a. The Office of Policy and International Affairs.
 - (1) Ensures that the standardized ICMP required by paragraph 4, is established to manage the review, approval, and performance assessment of all International Commitments.
 - (2) Chairs the International Commitments Coordinating Committee.
 - (3) Reports monthly to the Office of the Secretary, and to the Under Secretaries as required by paragraph 4i of this Order.
 - (4) Signs International Agreements or delegates signatory authority to heads of other Departmental elements in accordance with Delegation Order No. 00-018.00, dated July 20, 2006, other than NNSA.
 - (5) Administers the processes required by paragraph 4 of this Order.
 - (6) Develops the form and method of notification required by paragraph 4c of this Order.
 - (7) Provides, upon receiving notification of a proposed International Commitment, assistance to the sponsor to obtain required review and approvals.
 - (8) Conducts performance assessments required by paragraph 4c of this Order.
 - (9) Maintains the consolidated electronic database required by paragraph 4f of this Order.
 - (10) Provides staff and serves as administrative secretariat for the International Commitments Coordinating Committee established by paragraph 4h of this Order.

- (11) Provides guidance and trains Department personnel regarding International Commitments and the International Commitments management processes established by this Order.

b. Departmental Elements (Sponsoring Offices).

- (1) Notify PI as required by paragraph 4c of this Order.
- (2) Provide PI with information required pursuant to paragraphs 4c and 4e of this Order and assist PI to assure that information in the Departmental database of International Commitments is current, accurate, and complete.
- (3) Follow the review and approval procedures established pursuant to paragraph 4d of this Order, and assure that proposed International Commitments are not initiated until the procedures and approvals required by paragraph 4d of this Order are fulfilled.
- (4) Draft proposed International Agreements and obtain concurrence from the DOE General Counsel.
- (5) Designate a representative to the International Commitments Coordinating Committee.
 - (a) The following Departmental elements should designate representatives:
 - 1 Office of Policy and International Affairs (Chair)
 - 2 Office of the General Counsel
 - 3 National Nuclear Security Administration
 - 4 Office of Energy Efficiency and Renewable Energy
 - 5 Office of Science
 - 6 Office of Fossil Energy
 - 7 Office of Health, Safety and Security
 - 8 Office of Nuclear Energy
 - 9 Office of Environmental Management
 - 10 Office of Civilian Radioactive Waste Management
 - (b) Any other Departmental element may designate a representative.

c. Office of the General Counsel.

- (1) Advises which proposed written Departmental International Commitments are International Agreements subject to the requirements of the State Department-led Circular 175 inter-agency review process.
- (2) Assists the sponsor in drafting proposed International Agreements.
- (3) Reviews and concurs in:
 - (a) draft International Agreements subject to Circular 175 inter-agency review, both prior to their transmittal to the State Department for review, and prior to signature;
 - (b) all other written Departmental International Commitments; and
- (4) Advises the Secretary, all Departmental elements, and the International Commitments Committee with respect to the legal aspects of the Department's International Commitments.

d. International Commitments Coordinating Committee.

- (1) Advises on the implementation of the ICMP throughout the Department.
- (2) Meets at the request of the Chair or pursuant to schedule and an agenda established by the Committee.
- (3) Communicates the ICMP management, evaluation, and oversight functions and structure throughout the Department.
- (4) Meets during the budget formulation cycle to discuss ICMP issues and advise the Office of Policy and International Affairs on—
 - (a) Problems regarding resource allocation and budget considerations of the Department's international programs.
 - (b) Effectiveness of International Commitments.
 - (c) Issues with specific commitments or classes of commitment for renewal or termination.
 - (d) Recommendations to improve the management of International Commitments or the ICMP.

6. DEFINITIONS.

- a. International Commitment. A bilateral or multilateral undertaking with a foreign governmental entity or intergovernmental organization by or on behalf of the

United States or the Department of Energy, exclusive of Work for Others, contracts, financial assistance grants, and cooperative research and development agreements (CRADAs). International commitments may take the form of activities (*e.g.*, bilateral consultations on energy policy issues) or written instruments (*e.g.*, treaties and other international agreements).

- b. International Agreement. An International Commitment in written form, whether a (i) formal, legally binding agreement subject to approval under the Department of State's inter-agency Circular 175 review procedures, or (ii) an informal non legally binding arrangement such as (but not limited to) a Memorandum of Understanding or Statement of Intent.

7. REFERENCES.

- a. Department Authority to make International Commitments:

- (1) P.L. 95-91, the Department of Energy Organization Act of 1977, section 102 (10), 42 U.S.C. 7112(10).
- (2) P.L. 93-438, the Energy Reorganization Act of 1974—
 - (a) Section 107(a) 42 U.S.C. 5817(a).
 - (b) Section 103(9), 42 U.S.C. 5813(10).
- (3) P.L. 83-703, Atomic Energy Act of 1954, as amended.
- (4) Title XXXII of P.L. 106-65, National Nuclear Security Administration Act, as amended.
- (5) P.L. 95-242, Nuclear Non-Proliferation Act of 1978, section 502.
- (6) P.L. 93-473, Solar Energy Research, Development, and Demonstration Act of 1974, section 11.

8. NECESSITY FINDING STATEMENT. In compliance with section 3174 of P.L. 104-201 (50 U.S.C. 2584 note), DOE hereby finds that this Order is necessary for the protection of human health and the environment or safety, fulfillment of current legal requirements, or conduct of critical administrative functions.

9. CONTACT. Questions concerning this Order should be addressed to the Office of International Science and Technology Cooperation, Office of Policy and International Affairs at 202-586-8156.

BY ORDER OF THE SECRETARY OF ENERGY:



JEFFREY F. KUPFER
Acting Deputy Secretary