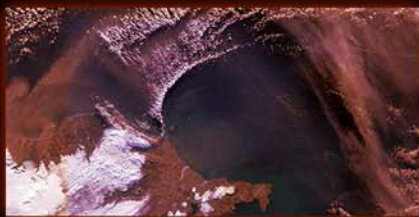


Getting Your Internationalities Straight

Presented to the PI Team Masters Forum 3
29 July 2011

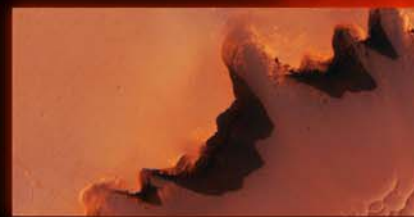
Marc S. Allen
Director for Strategic and International Planning
Science Mission Directorate



EARTH SCIENCE



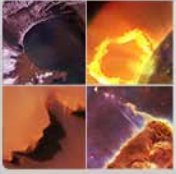
HELIOPHYSICS



PLANETARY SCIENCE



ASTROPHYSICS



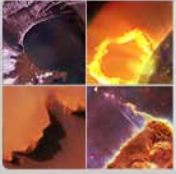
Overview of NASA International Cooperation

International cooperation at NASA

- Directed by the National Aeronautics and Space Act of 1958 and continues to be part of national space policy
- A cornerstone of NASA's activities throughout its history
- Includes over 3,000 agreements with over 100 nations
- Brings multiple benefits to NASA and its partners
- Pursued for a variety of reasons, through a combination of choice and necessity

Current international cooperation

- Nearly 500 active international agreements
- 8 partners account for 50% of agreements (France, Germany, ESA, Japan, UK, Italy, Canada, Russia)
- By mission area: 2/3 are in science missions
- By region: 1/2 are with partners in Europe



NASA International Cooperation Policy

NASA international partners are generally government agencies due to the significant level of investment and legal requirements

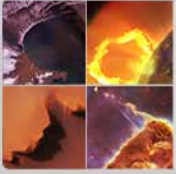
Cooperation must be consistent with U.S. foreign policy objectives

Projects/Partnerships:

- Must have scientific and technical merit
- Must demonstrate a specific benefit to NASA, support Mission Directorate objectives
- Are structured to protect against unwarranted technology transfer
- Are structured to establish clearly defined managerial and technical interfaces to minimize complexity
- Are documented in a formal agreement coordinated with the Department of State and other U.S. government agencies

Each Partner funds its respective contributions

- but contributions need not be equivalent



Roles

Principal Investigator

- Science definition and overall responsibility for mission success

Program Executive/HQ

- Programmatic (including budget) and technical oversight
- Interface to Agency support functions

Program Scientist/HQ

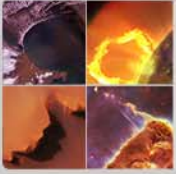
- Science coordination

Office of Interagency and International Relations/HQ

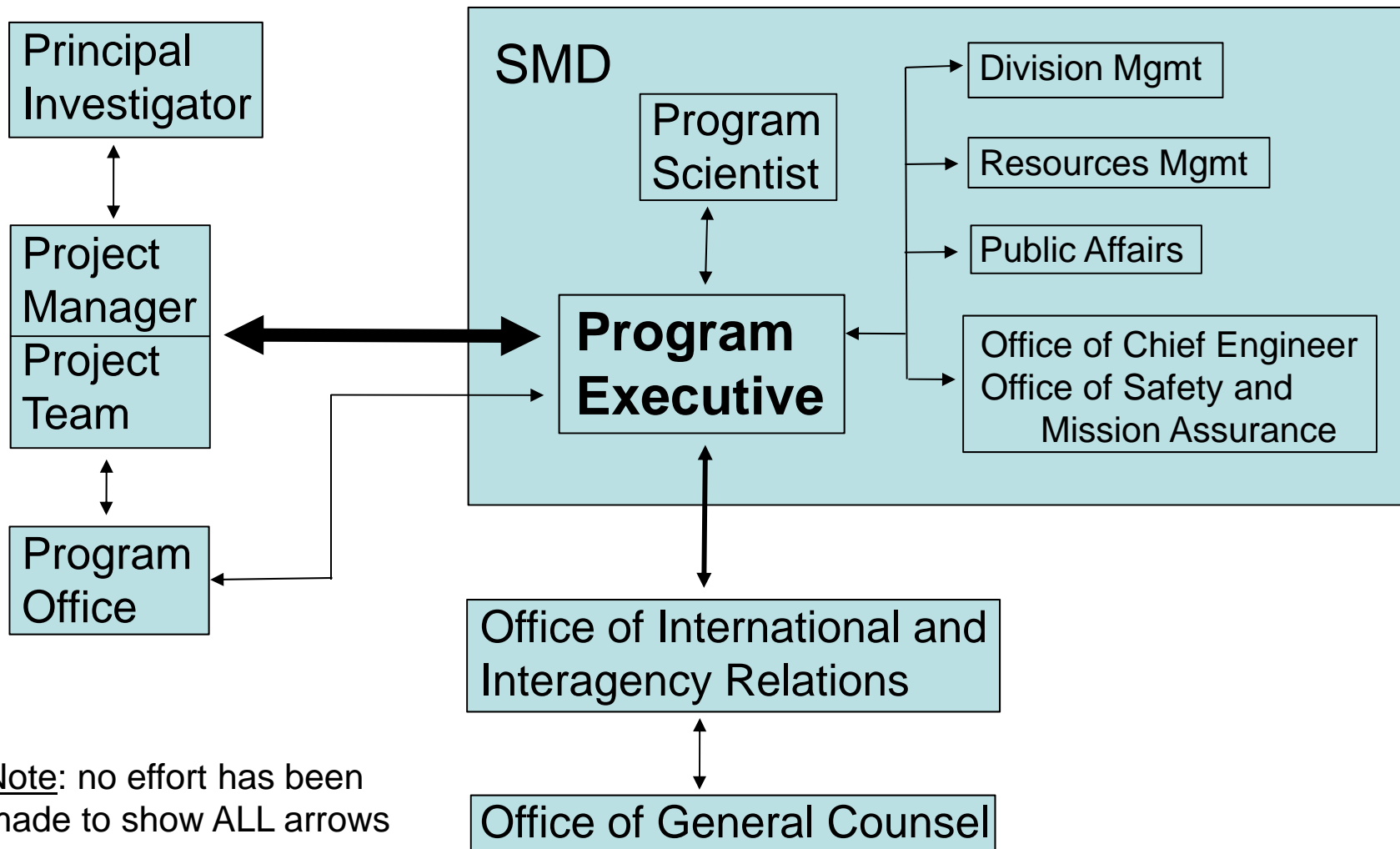
- Agency international cooperation policy
- Management of relationships with foreign and USG agencies
- International agreements (and interfaces to agency supporting functions)

Project Office

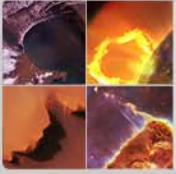
- Project execution



Key Interfaces



Note: no effort has been made to show ALL arrows



International Agreements

NASA's legal authority flows from Space Act of 1958

Purposes of Agreements

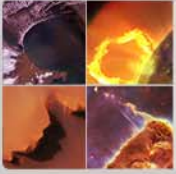
- Define allocation of technical responsibilities
- Document legal provisions of partnership and points of contact
- Assure compliance with export control regulations

Program Executive Responsibilities

- Define respective technical contributions to lay out in the agreement
- Negotiate NASA-partner management structure, including POCs on both sides
- Collaborate with OIR to assemble the document

OIR Responsibilities

- Assemble draft agreement by combining PE inputs and legal provisions
- Obtain Headquarters concurrences
- Obtain State Department clearance (if necessary)
- Negotiate and conclude (sign) agreements

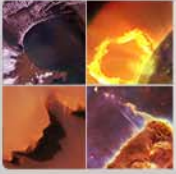


Sample Clauses in International Agreements

- Purpose of Cooperation
- **Responsibilities**
- Rights in Resulting Data
- Financial Arrangements
- **Points of Contact**
- Liability and Risk of Loss
- Registration of Space Objects
- Transfer of Goods and Technical Data
- Intellectual Property Rights
- Release of Results and Public Information
- Exchange of Personnel and Access to Facilities
- Customs Clearance and Movement of Goods
- Ownership of Equipment
- Consultation and Dispute Resolution
- Investigations of Mishaps and Close Calls
- Choice of Law
- Amendments
- Continuing Obligations
- Entry into Force, Term, and Termination

Principal PE contributions

A few clauses not frequently used for science cooperation are omitted

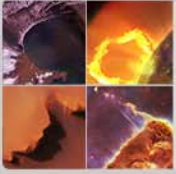


Headquarters Agreements Process

- 1. Starting point is development of “NASA does” and “partner does,” identify POCs**
 - Introduced in the proposal; details worked out between PE+project and the foreign partner
- 2. PE holds preliminary consultations with OIR**
- 3. PE creates tasking for OIR via creation of a new record in SPIAD database**
 - Project and partner, very brief summary of respective contributions
 - Agreement need date and need date rationale
 - **Also**: PE provides detailed “NASA does/Partner does” section to OIR
- 4. OIR determines type of agreement and choice of law, completes SPIAD record**

Begin PERIODIC status reviews by OIR management and PE/division management

- 5. OIR drafts agreement, begins HQ concurrence loop (starts at SMD division)**
- 6. OIR submits to DOS for interagency review (if needed)**
- 7. OIR, supported by PE, conducts negotiations on the agreement (as needed)**
- 8. OIR executes, or arranges for execution of the agreement**



Agreements Challenges

Negotiations

- Technical negotiations (e.g., data public release policy)
- Choice of law
- Questions of partner legal competence

Press of other business in OIR

Concurrence routing in HQ

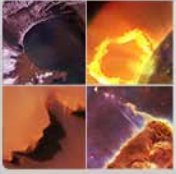
State Department clearance (C -175)

Elapsed time for partner processing

- Partners' unfamiliarity with legal provisions of USG agreements
- Partners' approval processes (also exchange of diplomatic notes, etc.)

Development duration for new agreements since Jan 1, 2009:

- 312 days average, 1806 days worst case



Take-Away

- **International agreements are a key element of project management**
- **Authority to develop and execute international agreements is vested in OIIR**
- **Headquarters SMD is here to help**
- **Your Program Executive is your friend**
 - Is your advocate at Headquarters
 - Knows what to do and how to do it
 - Knows who to talk to, to get things done
 - Can reduce confusion, save you time, and even keep you out of trouble