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United States Department of State

*Bureau of Oceans and International
Environmental and Scientific Affairs*

Washington, D.C. 20520

July 23, 1991

TO: David E. Hohman
Director, Office of International Affairs
National Institutes of Health

FROM: Martin Prochnik 
Director, Office of Cooperative Science and
Technology Programs
Department of State

SUBJECT: C-175 Authority to Negotiate and Conclude an MOU
in Basic Biomedical Research between NIH and the
USSR Academy of Sciences

On July 18, 1991, OES Assistant Secretary Bohlen granted C-175 authority to negotiate and conclude the subject MOU. A copy of the authorization is attached for your files.

Attachment:
As stated.

cc: EUR/SOV/SOEX - Cheryl Martin
OSTP - John O'Neil ✓



United States Department of State

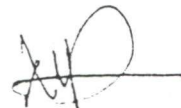
*Bureau of Oceans and International
Environmental and Scientific Affairs*

Washington, D.C. 20520

July 16, 1991

MEMORANDUM

TO: OES - Mr. Bohlen

FROM: OES/S - Martin Prochnik, Acting 

SUBJECT: Request for Circular 175 Authority to Negotiate and Conclude a Memorandum of Understanding on Cooperation in the Field of Basic Biomedical Research between the National Institutes of Health of the United States of America and the Academy of Sciences of the Union of Soviet Socialist Republics.

ISSUE FOR DECISION

Whether to grant Circular 175 authority to negotiate and conclude the subject Memorandum of Understanding (MOU) between the National Institutes of Health (NIH) and the USSR Academy of Sciences.

DESCRIPTION OF THE AGREEMENT

Purpose: To contribute to an expansion and broadening of cooperative scientific activities of mutual benefit between scientific institutions, government and non-government agencies, higher educational institutions, and individual scientists of the two countries in the field of basic biomedical research.

Background:

The proposed MOU would be subject to the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Cooperation in the Field of Basic Scientific Research, signed January 8, 1989.

INTELLECTUAL PROPERTY RIGHTS

Intellectual property shall be protected in accordance with the provisions of Annex II of the Basic Scientific Research Agreement.

LEGAL AUTHORITY

On September 18, 1981, pursuant to Circular 175 procedures, the Under Secretary for Security Assistance, Science and Technology reconfirmed the authority of OES to approve the negotiation and conclusion of routine S & T agreements with other governments, subject to approval of the final texts by the appropriate regional bureau and L. Legal authority to negotiate and conclude this agreement is derived from the President's Constitutional powers (Article II) and his authority to represent the nation in foreign affairs, as exercised by the Secretary of State on a day-to-day basis (22 U.S.C. Section 2656). Additional authority is contained in 22 U.S.C. 2656d, which states that "the Secretary of Stateshall have primary responsibility for coordination and oversight with respect to all major science or science and technology agreements and activities between the United States and foreign countries."

The legislative authority for NIH to enter into a Memorandum of Understanding of this type is provided by 42 U.S.C. 241(a)(4)(providing for assistance of experts from "abroad"); and 242(b) (authorizing cooperation with other countries).

RECOMMENDATION

That you grant Circular 175 Authority for the negotiation and conclusion of the proposed MOU subject to the concurrence of OES, EUR, L and other bureaus and agencies, as appropriate, to any changes to the proposed text.

Approve: C. B. Allen Disapprove: _____

Date: 9-18-91

Attachments:

Tab 1 - Proposed Mou

Tab 2 - Memorandum to Amb. Bartholomew

JS for CAC
Drafted: OES/SCT:CACampbell/ESayre *es* 6/12/91
OES/SCT:JBowen *JS*
647-3632 SESCTB 3636

Cleared:

EUR/SOV/SOEX:SSmith
L/OES:JO'Brien
FMP/MP:AFairchild
FMP/BP:PGartabane
USTR:CSuro-Bredie
DCI/ITA:DSenese
COMEX:JDearlove
DOJ:GSchroeder
HHS/PHS:PHenry
NASA:JClapp
NIST:GSinnott
NSF:GSher
S/F:CDawson

L/T:GTaft
H:SStyles
EB/IFD/IPC:FBaron
OMB:JNix
DOC/ITA:SFox
CIA:PCocks
DOD/OASACW:KCook
DOT:VMack
HUD/OIA:JGeraghty
NAVY:STuretsky
NOAA:EMoore
NTIS:JHounsell
SMITH:FBerkowitz

OES/EX:JLewis
OES:LStrachan
OSTP:JO'Neil
DOD/DTSA:JThomas
DOE/IE:HJaffe
EPA/OIA:WFreeman
NAS:GWaxmonsky
NIH:GHandley
NRC:EShomaker
NSC:EMelby
USDA/OICS:RHughes
USGS:PHearn
TREAS:EMurphy

MEMORANDUM OF UNDERSTANDING
ON
COOPERATION IN THE FIELD OF BASIC BIOMEDICAL RESEARCH
BETWEEN

THE NATIONAL INSTITUTES OF HEALTH
OF THE UNITED STATES OF AMERICA

AND

THE ACADEMY OF SCIENCES
OF THE UNION OF SOVIET SOCIALIST REPUBLICS

The National Institutes of Health of the United States of America and the Academy of Sciences of the Union of Soviet Socialist Republics, hereinafter referred to as "the Parties," have agreed as follows:

ARTICLE I

This Memorandum of Understanding, hereinafter referred to as the "Memorandum," is subject to the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Cooperation in the Field of Basic Scientific Research signed January 8, 1989, hereinafter referred to as the "Basic Scientific Research Agreement."

ARTICLE II

1. The purpose of this Memorandum is to contribute to an expansion of cooperative scientific activities of mutual benefit between scientific institutions, government and non-government agencies, higher educational institutions, and individual scientists of the two countries in the field of basic biomedical research.
2. The main objective of this Memorandum and resulting activities will be to promote and facilitate direct cooperation between individual scientists and scientific institutions of the two countries.

ARTICLE III

1. The scope of the cooperation under this Memorandum will be limited initially to the following priority areas: cancer; immunology and AIDS; molecular biology and genetics; neurobiology; clinical research; and related scientific information exchange. These areas will be reviewed periodically and amended, if necessary, by mutual written agreement of the Parties.
2. This Memorandum shall be without prejudice to other agreements and other arrangements concluded between agencies or organizations of the two countries.

ARTICLE IV

Cooperation under this Memorandum shall facilitate and support exchange of scientists and cooperative scientific activities. This cooperation shall consist primarily of joint research projects; short term exchange visits; and extended visits to conduct joint research. Other forms of cooperation may be undertaken by written agreement of the Parties.

ARTICLE V

1. Cooperative activities under this Memorandum shall be conducted in accordance with all applicable national laws, regulations and procedures of the U.S. and U.S.S.R.
2. Before any project involving human subjects or laboratory animals is initiated under this Memorandum, both Parties shall comply with laws and regulations applicable to the protection of human subjects and to the use of laboratory animals.

ARTICLE VI

1. Obligations assumed by the Parties to this Memorandum are subject to the availability of funds. Each side shall share in the effort and cost of each specific activity so that the implementation of cooperation under this Memorandum is balanced and of mutual benefit.
2. The sending Party shall be responsible for the travel of its representatives to and from the receiving country. Living expenses and travel costs within the receiving country will be provided by the receiving Party, except when agreed otherwise by the Parties. Health insurance will be provided by the receiving Party.
3. The receiving Party will arrange for appropriate accommodations for representatives of the sending Party on a mutually agreeable, reciprocal basis.

ARTICLE VII

Scientific results and information derived from a specific activity under this Memorandum shall be made available to the world scientific community through customary channels in accordance with normal scientific procedures. This provision shall be subject to intellectual property rights as specified in Annex II of the Basic Scientific Research Agreement.

ARTICLE VIII

1. This Memorandum shall enter into force after an exchange of notes by the Government of the United States of America and the Government of the Union of Soviet Socialist Republics confirming its terms and confirming that all domestic requirements for entering into force have been fulfilled. It shall remain in force for five (5) years. Either Party may at any time give written notice to the other Party of its intention to terminate this Memorandum, which will terminate six months from the date notice is received by the other Party.

2. The Parties may, by mutual consent in writing, amend this Memorandum. They may by written agreement renew it for additional five-year periods. Expiration, termination, or amendment of this Memorandum shall not affect the implementation or completion of any project which had been jointly approved by the Parties under this Memorandum or intellectual property rights as specified in Annex II of the Basic Scientific Research Agreement.

Done at this day of
1991, in duplicate, in the English and Russian languages, both
texts being equally authentic.

FOR THE NATIONAL INSTITUTES
OF HEALTH OF THE UNITED
STATES OF AMERICA

FOR THE ACADEMY OF SCIENCES
OF THE UNION OF SOVIET
SOCIALIST REPUBLICS