USGS DELEGATIONS OF AUTHORITY TO ENTER INTO AGREEMENTS AND TO ACCEPT CONTRIBUTIONS

|  |  |  |  |
| --- | --- | --- | --- |
| AUTHORITY | AUTHORITY DELEGATED TO  (*THESE AUTHORITIES MAY NOT BE REDELEGATED UNLESS SPECIFIED IN THE DELEGATION)* | DOCUMENTATION REQUIRED/REMARKS | |
| **A. Approve Agreements for work with States, Counties, Municipalities, and other Governmental Subdivisions; U.S. Territories; Native American Tribal Governments; DC Government**  **[43 U.S.C. § 50]** |  | Use of the Form 9-1366 is encouraged.  The Center must complete the USGS Checklist for Reimbursable Agreements and maintain a copy with the approved agreement. | |
| **A-1.** Approve Standard Joint Funding Agreement (JFA) using Form 9-1366 (without change) | Office Chiefs (see Note at bottom of the last page for these positions) reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an Executive Leadership Team (ELT) Member. |  | |
| **A-2.** Approve Non-Standard JFA | Office Chiefs reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an ELT Member. | OPA must review and approve the agreement prior to the Center signing the agreement. | |
| **A-3.** Approve the following Non-Standard JFA Exceptions:  **(a)** Non-Standard JFA where the only change  to the Form 9-1366 is a statement on maintaining  a drug free workplace; on abiding by Federal  non-discrimination laws; or that the USGS may not  contract the work to another party without  the prior consent of the Cooperator in writing.  **(b)** Non-Standard JFA in following years with  a Cooperator if the initial JFA with that Cooperator had been reviewed by the Office of Policy and Analysis. Changes to the scope of work, amount of money, and (or) period of performance are authorized. Otherwise, the agreement with the Cooperator should remain the same as that initially approved. The delegatee is responsible for ensuring that changes made are authorized. | Office Chiefs reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an ELT Member. | OPA recommends the Center submit Non-Standard JFAs that were approved for use more than 2 years ago to ensure the agreement is still legally sufficient and compliant with updated Bureau policies. | |
| **B. Intergovernmental Cooperation Act Agreements (not for use with U.S. Territories, Native American Tribal Governments)**  **[31 U.S.C. § 6505]** |  | See Survey Manual (SM) 500.27, Intergovernmental Cooperation Act Agreements with State and Local Units of Government and Figure 27-1, Intergovernmental Cooperation Act Agreement Template.  The USGS Checklist for Reimbursable Agreements must be completed and a copy must be maintained with the approved agreement. | |
| **B-1.** Approve Intergovernmental Cooperation Act Agreements using the USGS template (without change) | Office Chiefs reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an ELT Member. |  | |
| **B-2.** Approve Intergovernmental Cooperation Act Agreements using terms and conditions other than those provided in the USGS template | Office Chiefs reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an ELT Member. | Review and approval by the OPA is required prior to signing the agreement. | |
| C. Approve agreements to perform work for Other Federal Agencies; See SM 500.3, Policy on Work for Other Federal Agencies | Office Chiefs reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an ELT Member. | See SM 500.3.  The USGS Checklist for Reimbursable Agreements must be completed and a copy must be maintained with the approved agreement. | |
| **D. Approve Collaborative Agreements with States, Counties, Municipalities, educational institutions, private entities, and non-profit organizations; [43 U.S.C. § 36c]** | Office Chiefs reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an ELT Member. | The USGS Checklist for Reimbursable Agreements must be completed and a copy must be maintained with the approved agreement.  Collaborative Agreements with private entities, non-profits, and academic organizations require a Conflict of Interest (COI) form signed by the PI(s). If certain conditions are met, the agreement will require a review by the USGS Ethics Team, Departmental Ethics Office (use Form 9-3142). | |
| **D-1.** Approve Standard Collaborative Agreement | Office Chiefs reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an ELT Member. | See the Financial Operating Procedures (FOP) for guidance on what constitutes a Standard Collaborative Agreement.  No review is required by OPA, however, a copy of the fully-signed zero-funds Collaborative Agreement must be submitted into the OPA Agreement Review System. | |
| D-2. Approve Non-Standard Collaborative Agreement using terms and conditions other than those provided in the USGS template | Office Chiefs reporting to the Director/a Deputy Director and managers and supervisors who report directly to an ELT Member. | Review and approval by OPA is required prior to signing the non-standard Collaborative Agreements. | |
| **E. Approve Interagency Agreements involving an outflow of funds from the USGS to another Federal agency; See SM 205.4, Acquisition and Financial Assistance, and see the Inter/Intra-Agency Agreements topic in the Acquisition Operating Procedures (AOP)** | This delegation remains in SM 205.4. | See SM 205.4 and the Inter/Intra-Agency Agreements topic in the AOP. | |
| F. Approve Technology Transfer Agreements [15 U.S.C. § 3710a] |  | See SM 500.20, Technology Transfer Authority, and FOP Chapter 4.  The USGS Checklist for Reimbursable Agreements must be completed and a copy must be maintained with the approved agreement.  Cooperative Research and Development Agreements (CRADA), Technical Assistance Agreements (TAA), and Facility Use and Service Agreements (FUSAs) with private entities, non-profits, and academic organizations require a COI form signed by the PI(s). If certain conditions are met, the agreement will require a review by the USGS Ethics Team, Departmental Ethics Office (use Form 9-3142). | |
| **F-1.** Cooperative Research and Development Agreements | Associate Directors; Regional Directors | Review and approval by OPA is required prior to signing the agreement. | |
| **F-2.** Technical Assistance, and Data Use License Agreements | Office Chiefs reporting to the Director/a Deputy Director and managers and supervisors who report directly to an ELT Member. | Review and approval by OPA is required prior to signing the agreement. | |
| F-3(a). Standard Facility Use and Service Agreement |  |  | |
| F-3(a)(1) Standard Facility Use and Service Agreement with Domestic (U.S.) entities | Office Chiefs reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an ELT Member. | No approval is required by OPA, however, a copy of any fully signed zero-funds FUSA must be submitted into the OPA Agreement Review System. | |
| F-3(a)(2) Standard Facility Use and Service Agreement with an international or foreign-controlled entity | Office Chiefs reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an ELT Member. | Review and approval by OPA is required prior to signing the agreement. | |
| F-3(b). Non-Standard Facility Use and Service Agreement | Office Chiefs reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an ELT Member. | Review and approval by OPA is required prior to signing the agreement. | |
| F-4. Access to Land Agreement | Office Chiefs reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an ELT Member. | See SM 500.11. OPA review is required prior to signing the agreement. | |
| F-5. Non-Disclosure Agreement | Office Chiefs reporting to the Director/a Deputy Director, and Manager and Supervisors who report directly to an ELT Member. | Review and approval by OPA is required prior to signing the agreement. | |
| F-6. Inter-Institutional | Associate Director of Administration | Review and approval by OPA is required prior to signing the agreement | |
| F-7. Intellectual Property Plan | Office Chiefs reporting to the Director/a Deputy Director, and Manager and Supervisors who report directly to an ELT Member. | Review and approval by OPA is required prior to signing the agreement | |
| G. Approve International Agreements under the Foreign Assistance Act (FAA) [22 U.S.C. § 2357] |  | The Office of International Programs is responsible for coordinating the review of all proposed USGS international agreements with a friendly country or an international organization prior to signature. | |
| G-1. Sign international memorandum of understanding, memorandum of cooperation, protocol, and Exchange of Letter | Director |  | |
| G-2. Sign project annex, project annex amendment, statement of intent, memorandum of agreement, technical assistance, agreement in principle, project implementation plan, and letter of agreement (the scope of which deals with more than one USGS Mission Area) | Deputy Director or Director, Office of International Programs |  | |
| G-3. Sign project annex, project annex amendment, statement of intent, memorandum of agreement, technical assistance, agreement in principle, project implementation plan and letter of agreement (limited to a single Mission Area) | Director, Office of International Programs or Associate Director for a Mission Area |  | |
| H. Approve Acceptance of Donations |  | All contribution offers must be documented on the Contribution Report Form (Form 9-3089). See SM 500.19, Donations to USGS from Outside Sources. | |
| H-1(a). Acceptance of contributions from public and private sources—includes lands, buildings, equipment, money, other contributions [43 U.S.C. § 36c and 5 U.S.C. § 7342] for in-kind services, money, and personal property of $50,000 or less and all other contributions received under this authority. | Office Chiefs reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an ELT Member. | Property with value over $5,000 will route to Property Management Office for review. | |
| H-1(b). Acceptance of contributions from public and private sources—includes lands, buildings, equipment, money, other contributions [43 U.S.C. § 36c and 16 U.S.C. § 742f(b)] for in-kind services, money and personal property exceeding $50,000, and all other contributions received under this authority. | Executive Leadership Team  USGS Litigation review and concurrence  USGS Office of Policy and Analysis review and concurrence | Offices can seek Ethics and Litigation Officer guidance whenever circumstances are unclear or questionable. | |
| H-1(c). Acceptance of contributions from public and private sources—includes lands, buildings, equipment, money, other contributions [43 U.S.C. § 36c and 16 U.S.C. § 742f(b)] for in-kind services, money and personal property exceeding $250,000, and all other contributions received under this authority | Chief, Office of Accounting and Financial Management/Deputy Chief Financial Officer  Office of the Solicitor Litigation Officer |  | |
| **H-1(d).** Acceptance of contributions from public and private sources—includes lands, buildings, equipment, money, other contributions [43 U.S.C. § 36c and 16 U.S.C. § 742f(b)] for in-kind services, money, and personal property **$1 million or more.** | Requires DOI Bureau concurrence |  | |
| **H-2.** Acceptance of contributions for official travel costs for meetings or similar functions [31 U.S.C. §1353] | Officials with delegated authority to approve travel authorizations | Funds can be accepted from non-Federal sources to pay for travel costs for official travel if the travel is for the purpose of attending a meeting, conference, workshop, seminar, or similar event related to an employee’s duties and responsibilities. Funds cannot be accepted to carry out the Bureau’s regulatory and statutory functions, such as field or site visits. Form DI-2000, AUTHORIZATION FOR ACCEPTANCE OF TRAVEL EXPENSES FROM NON-FEDERAL SOURCES, must be completed, reviewed by the USGS Ethics Team, Departmental Ethics Office, approved by an official with the authority to approve Travel Authorizations, and submitted with the employee’s travel authorization. The form, instructions and FAQs are on the Departmental Ethics Office website, www.doi.gov/ethics/forms/travel-expenses | |
| I. Approve Domestic Memorandum of **Understanding (MOU)** |  | See SM 500.26, Domestic Memorandum of Understanding. OPA review and approval is required.  Fully-signed MOUs for I-2, I-3, and I-4 must be submitted to OPA’s MOU Intake Form on SharePoint. | |
| **I-1(a).** Domestic MOUs that address activities that cross Mission Areas | Director |  | |
| I-1(b). Domestic MOUs that address an intent to work with a sovereign Indian Nation | Director |  | |
| I-2. Mission-specific Domestic MOUs of national significance | Associate Directors |  | |
| **I-3.** Domestic MOUs specific to assigned geographic areas of responsibility | Regional Directors |  | |
| **I-4.**  Domestic MOUs specific to a Science or Cost Center | Office Chiefs reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an ELT Member. |  | |
| **J. Interagency Personnel Details under the Intergovernmental Personnel Act** | Authority delegated in SM 205.1, Personnel Management, Appendix B. |  | |
| **K. Approve Federal Energy Regulatory Commission (FERC) Agreements with non-governmental customers (private utilities) (USGS Annual Appropriations Act); States, Counties, Municipalities, Tribal Governments, and U.S. Territories [43 U.S.C. §** **50 and 43 U.S.C. § 50b]; with USGS [Economy Act and 43 U.S.C. §** **36c]** |  | See the FOP for FERC agreement template.  The USGS Checklist for Reimbursable Agreements must be completed and a copy must be maintained with the approved agreement. | |
| **K-1.** Approve Standard FERC Agreement | Office Chiefs reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an ELT Member. |  | |
| **K-2.** Approve Non-Standard FERC Agreement | Office Chiefs reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an ELT Member. | Review and approval by OPA is required prior to signing the agreement for K-2. | |
| **L. Approve Intellectual Property License Agreements: Copyright, Patents, Publicity and Trademark** [15 U.S.C. § 3710a; 43 U.S.C. 36(c)] |  | Review and approval by OPA or its delegate required prior to signing the agreement L1-3, with the exception of L-1(b)(2). |
| **L-1.** Copyright License (including software) | Office Chiefs reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an ELT Member. |  |
| **L-1(a).** Likeness Agreement (use of employee’s image, voice on photograph or recording) | Office Chiefs reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an ELT Member. | For commercial use by non-federal party, the employee must also grant permission. This must be shown by employee’s signature added to the agreement or a supplemental document.Search “*Use of a Person's Likeness in USGS Products”* at @theCore. |
| **L-1(b). Publisher Agreements with outside organizations for publishing papers in a journal** |  | See SM 1100.4, Use of Outside Publications, Including Abstracts. |
| **L-1(b)(1)** Publisher Agreements for exclusive license | Office Chiefs reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an ELT Member. | Review by DOI Office of the Solicitor is required. |
| **L-1(b)(2).** Publisher Agreement **for non-exclusive license that only states the work has no copyright or is in the public domain.** | USGS authors under one of the following conditions:   * Work created solely by USGS; or * Co-authored with other federal entities or; * Co-authored with non-federal entities only where there is written authorization \*. | DOI Office of the Solicitor review is not required.  \*The USGS author must have documentation from the non-federal entities that confirms the work has no copyright or is in the public domain. |
| **L-2.**  Patent Agreement | Associate Director for Administration |  |
| **L-3.** Trademark Agreement | Office Chiefs reporting to the Director/a Deputy Director and managers and supervisors who report directly to an ELT Member. | Use must be consistent with SM 500.22, Trademarks. |
| **M. Approve Grant (Funds-in) Awards** |  | See SM 500.18, Grants (Funds-in) Application and Acceptance.  Centers must complete Form 9-3090, Request to Apply for a Grant (Funds-in) Award, prior to applying for a Prime Award or Sub-award. | |
| **M-1 (a).** Proposals forfunds of less than $750,000 total | Center Directors/Center Managers |  | |
| **M-1 (b).** Proposals for funds of $750,000 or more total | Associate Directors/Regional Directors or Directors/Deputy Directors |  | |
| **M-2.** Agreements    Agreements based on the CRADA template  All other applicable agreement templates | For CRADAs, see section F-1  Office Chiefs reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an ELT Member. | OPA must review agreements that originate from competitive grants prior to Center signature on the agreement.  For IAAs, if only Federal employees are eligible to apply, the opportunity meets Form 9-3090 exception #1 and does not require OPA review. | |

**Note:**

Office Chiefs reporting to the Director/a Deputy Director and Managers and Supervisors who report directly to an ELT Member include positions such as:

(A) Associate Directors and Regional Directors

(B) Deputy Associate Directors and Deputy Regional Directors

(C) Chief, Office of Diversity and Equal Opportunity; Director, Office of International Programs

(D) Science Center Directors

(E) Office of Administration (OA) Office Chief