



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CECW-I

09 DEC 1996

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Empowerment - Delegation of Approval Authority and Disposal of Intellectual Property for the Army Technical Assistance Program (33 U.S.C. 2314a)

1. References:

- a. Section 9 of the Water Resources Development Act of 1988 (Technical Assistance Program), as amended (33 U.S.C. 2314a) (**enclosure 1**).
- b. CECW-I memorandum dated 24 Apr 95, SAB (**enclosure 2**).
- c. Assistant Secretary of the Army for Civil Works [ASA(CW)] and Research, Development and Acquisition [ASA(RDA)] joint memorandum dated 9 Aug 96, subject: Delegation of Authority to Approve Technical Assistance Agreement (TAA) and to License, Assign or Waive Rights to Intellectual Property (**enclosure 3**).
- d. CECW-I memorandum dated 3 Sep 96, subject: Redelegation of Authority for Technical Assistance Program (**Program**) (**enclosure 4**).

2. The purpose of the Program is to enhance the competitiveness of U.S. firms bidding or executing overseas contracts. To streamline the review and approval process for Program requests, the ASA(CW) and ASA(RDA) have delegated Program authorities to the U.S. Army Corps of Engineers (USACE). I hereby delegate these authorities to the Major Subordinate Commanders (MSC) and Director, Research and Development (CERD) subject to the following conditions:

- a. The enclosed Program policy and procedural guidelines will be followed in planning, executing and managing this Program (**enclosure 5**).
- b. The Program checklist (**enclosure 5**) will be used to evaluate requests for Program assistance.
- c. The standard TAA will be used to document the terms, conditions, certifications, scope and cost of Program assistance (**enclosure 5**).
- d. Under no circumstances may USACE provide Program support without prior approval from the U.S. Embassy in the country where the firm's contract will be executed.

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e. The MSC Commander/Director of CERD will validate District/Laboratory capability to perform the work requested before authorizing negotiation and execution of TAAs.

f. Commanders and Directors will measure Program performance through Customer Satisfaction Surveys (enclosure 5).

g. The Director of Civil Works will hold Commanders and Directors accountable for Program performance.

3. An executed TAA is a Corps commitment, on behalf of the U.S. government, to provide engineering and technical services in a foreign country. The Corps has no independent authority to make such a commitment. You must therefore obtain the expressed approval of the U.S. ambassador (to the country where the work is to be performed), in consultation with the CINC of the unified command responsible for that region (through his representative on the ambassador's staff) before entering TAA negotiations with the requesting firm. There are no exceptions to this requirement.

4. I expect Commanders and Directors to use the Program checklist for identifying, evaluating and approving/disapproving each Program request. While "yes" or "no" answers will be easy to assess, a "maybe" requires independent judgment on your part. Of particular concern is a response from the ambassador that neither endorses nor prohibits your involvement in the firm's project. If the answer to this, or any other checklist question is not clear, you should consult with the Program Manager for guidance.

5. This delegation of authority has taken over two years to accomplish. It was granted by the ASA(CW) and ASA(RDA) with the understanding that we would develop and implement rational policies and procedures for this important, high profile Program. The enclosures provide such guidance, and you will be held accountable for their faithful execution.

6. The Program Manager is Dan Clark, 202-761-4284.

Encls



RUSSELL L. FUHRMAN

Major General, USA
Director of Civil Works

DISTRIBUTION:

Commanders, Major Subordinate Commands, Director of Research and Development, District Commanders and Laboratory Directors

CF: Office of the Assistant Secretary of the Army (Civil Works)

SA6081314



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108

9 AUG 1996

REPLY TO
ATTENTION OF

MEMORANDUM FOR THE CHIEF OF ENGINEERS

SUBJECT: Delegation of Authority to Approve Technical Assistance Agreements and to License, Assign or Waive Rights to Intellectual Property

We hereby delegate to the Commander, U.S. Army Corps of Engineers, the authority granted the Secretary of the Army under Section 9 of the Water Resources Development Act of 1988, as amended (33 USC 2314a). You are delegated authority to:

- Approve technical assistance agreements under the technical assistance program as authorized by the Acts;
- License, assign, or waive rights to intellectual property developed in the course of providing such technical assistance, subject to the retention, at a minimum, of a nonexclusive, nontransferable, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the United States; and
- Provide written approval to the recipient of Corps technical assistance, as required by 33 USC 2314a(c), for the release of information of a confidential nature, such as proprietary or classified information, provided that the U.S. firm complies with all other statutory and regulatory requirements associated with the release of Government information.

This authority shall be exercised consistent with the requirements and conditions contained in the laws cited above. The authorities delegated herein may be redelegated to the Director of Civil Works and the Director of Military Programs, U.S. Army Corps of Engineers, with further delegation to subordinate commanders as deemed necessary and appropriate. This delegation of authority for the technical assistance program is effective immediately.

Handwritten signature of Gilbert F. Decker in black ink.

Gilbert F. Decker
Assistant Secretary of the Army
(Research, Development and Acquisition)

Handwritten signature of H. Martin Lancaster in black ink.

H. Martin Lancaster
Assistant Secretary of the Army
(Civil Works)



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

04 SEP 1996

CECW-I

MEMORANDUM FOR DIRECTOR OF CIVIL WORKS

SUBJECT: Redlegation of Authority to Approve Technical Assistance Agreements and to License, Assign or Waive Rights to Intellectual Property

1. In accordance with the delegation of authority granted by the Assistant Secretary of the Army (Civil Works) and the Assistant Secretary of the Army (Research, Development and Acquisition) under Section 9 of the Water Resources Development Act of 1988, as amended (33 U.S.C. 2314a) in memorandum dated 9 Aug 96 (copy enclosed), I hereby redelegate to the Director of Civil Works the authority to:

a) approve technical assistance agreements under the Army Technical Assistance Program as authorized by the Acts;

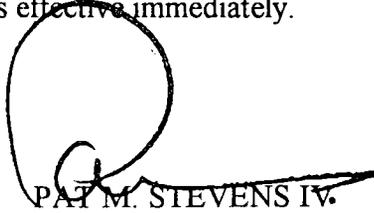
b) license, assign or waive rights to intellectual property developed in the course of providing such technical assistance, subject to the retention, at a minimum, of a nonexclusive, nontransferable, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the United States; and

c) provide written approval to the recipient of Corps assistance, as required by 33 U.S.C. 2314a(c), for the release of information of a confidential nature, such as proprietary or classified information, provided that the U.S. firm complies with all other statutory and regulatory requirements associated with the release of Government information.

2. This authority shall be exercised consistent with the laws cited above and policies and procedures in CECW-I's memorandum dated 24 Apr 95. Implementing guidance and standard technical assistance agreement shall be disseminated as soon as possible. I authorize re delegation of these authorities to subordinate commanders as you deem necessary and appropriate

3. The foregoing re delegation of authorities is effective immediately.

Encl



PAT M. STEVENS IV.
Major General, USA
Acting Commander



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CECW-I

03 SEP 1996

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ACG

MEMORANDUM FOR Acting Commander, U.S. Army Corps of Engineers

SUBJECT: Redlegation of Authority for Technical Assistance Program -- **FOR DECISION**

1. **PROBLEM.** To redelegate to the Director of Civil Works authority under the Technical Assistance Program (TAP) to approve technical assistance agreements, license, assign or waive rights to intellectual property and approve release of confidential information.

2. **RECOMMENDATION.** That the Acting Commander, U.S. Army Corps of Engineers (USACE), sign the re delegation of authority at **TAB A**.

APPROVED ^{*✓ 4 SEP*} DISAPPROVED OTHER

3. **BACKGROUND AND DISCUSSION.**

a. The TAP, Section 9 of the Water Resources Development Act (WRDA) of 1988, as amended (33 USC 2314a), authorized the Secretary of the Army to provide technical assistance to United States firms competing for or awarded a contract for the planning, design or construction of a project outside the United States. The purpose of TAP is to enhance the competitiveness of United States firms overseas.

b. The Secretary delegated TAP oversight to the Assistant Secretary of the Army (Civil Works) [ASA(CW)] and Assistant Secretary of the Army (Research, Development and Acquisition) [ASA(RDA)]. The ASA(CW), responsible for the non-military international activities of USACE, approved requests for USACE technical assistance under TAP. The ASA(RDA) was responsible for the disposition of intellectual property developed by USACE or the private firm under a TAP technical assistance agreement.

c. By decision memorandum dated 24 Apr 95, we requested that ASA(CW) delegate TAP approval authority to the USACE Commander (**TAB B**). We also requested a delegation from ASA(RDA), through the ASA(CW), to dispose of TAP-related intellectual property. The delegation at TAB A accomplishes both purposes.

d. TAP polices, procedures and model technical assistance agreement at TAB B have been approved by the ASA(CW), Army and USACE Counsels. On your re delegation, we will disseminate implementing guidance for TAP by 15 Oct 96. We intend to designate the Office of Interagency and International Activities (CECW-I) as Headquarters TAP proponent.

CECW-I

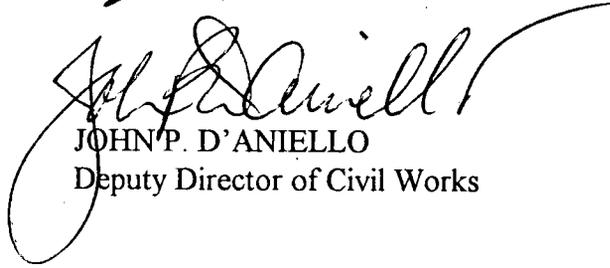
SUBJECT: Redlegation of Authority for Technical Assistance Program -- **FOR DECISION**

4. **IMPACTS.** This program is small and is not expected to impact the performance of normal civil works or military programs missions.

5. **COORDINATION.**

CECC-J	Concur/ Nonconcur	<u>RW</u>	(Name)	<u>8/29/96</u>	(Date)
CEMP-MD	Concur/ Nonconcur	<u>[Signature]</u>	(Name)	<u>8/29/96</u>	(Date)

Encls


JOHN P. D'ANIELLO
Deputy Director of Civil Works

Dan Clark
CECW-I/x4284