



This document delineates examples of the policy oversight practices of the Secretary of Commerce with regard to the United States Patent and Trademark Office (USPTO) operations, and encompasses the current working relationship between the USPTO and the Office of the Secretary (OS) on these topics. The list reflects understandings of OS and the USPTO as to the implementation of Secretarial policy direction pursuant to 35 U.S.C. § 1 and shall not be construed or implemented inconsistently with § 1 and other USPTO authorities.

Unless stated otherwise, all reports listed are submitted by USPTO for informational purposes and to ensure conformance with Secretarial policy direction. The Secretary is provided with full access to data and information on a regular and recurring basis to ensure conformance with Secretarial policy direction.

## **BUDGET:**

### **Submission to the Office of Management and Budget (OMB)**

- Review of Budget Proposals: The USPTO Chief Financial Officer (USPTO CFO) briefs the OS – CFO on budget proposals early in the formulation process, and incorporates policy feedback.
- Public Advisory Committee (PAC) Review of Budget Proposals: The Patent and Trademark Public Advisory Committees, members of which are appointed by the Secretary, review proposed budget initiatives, and provide feedback early in the formulation process.
- Review of Draft Submission: The USPTO CFO sends a draft budget to the OS CFO and Patent Public Advisory Committee/Trademark Public Advisory Committee (PPAC/TPAC) for review in advance of the OMB deadline, and incorporates feedback prior to submission.
- Hearings: The OS CFO participates in OMB hearing on USPTO.

### **Congressional Budget**

- Review of Congressional Justification (CJ): The CJ is provided in advance to OS CFO, allowing opportunity for review and comment, and feedback is incorporated prior to submission to the Congress.
- PAC Review of Budget Proposals: The USPTO PACs review and comment on CJs before submission.

### **Appropriations**

- Testimony: OS reviews testimony to the Committees on Appropriations prior to hearings, and USPTO incorporates feedback.
- Questions for the Record (QFR): Draft QFR responses are sent to OS for review and feedback prior to submission.



- Briefings: The OS CFO participates as necessary in USPTO briefings to Capitol Hill.

### Budget Execution

- Spend Plans: USPTO submits a draft spend plan to the OS CFO for review prior to submission to Congress, and guidance is incorporated.
- Quarterly Departmental Reviews: USPTO participates in quarterly Departmental reviews.
- Execution Reports: USPTO budget execution reports are sent to the OS CFO on a monthly basis.
- PAC Briefings: Members of PPAC/TPAC receive quarterly briefings on budget status and execution.
- Commissioners for Patents and Trademarks: The most significant portion of the USPTO budget is executed by the Commissioners for Patents and Trademarks, who are appointed by the Secretary. The Commissioners' performance standards are defined by an annual performance agreement between the Commissioner and the Secretary.

### Miscellaneous

- Meetings: The USPTO Director meets regularly with the Secretary and attends the Secretary's staff meetings, frequently reporting on USPTO budget matters.
- Review of Public Communications: USPTO sends major communications to OS for review and comment prior to release (e.g., re-programmings, budget-related broadcast messages) and guidance is incorporated.
- Department-wide Initiatives: USPTO fully participates in Department-wide initiatives, such as strategic sourcing and acquisition savings.
- Councils: USPTO participates in all Department-led councils, including CFO Council (CFOC), Finance Council, Budget Council, and Acquisition Council.
- Surveys and Investigations (S&I) Reviews: OS participates in House S&I reviews at the USPTO.
- Special Workgroups: USPTO participates in all special ad hoc budget workgroups, such as Working Capital Fund (WCF) reviews.

## FINANCE:

### Financial Operations

- Standardization of Budget Object Classifications (BOCs): USPTO participated in a project with the OS CFO to standardize BOCs among Bureaus.
- Internal Controls: USPTO attends meetings and provides documentation regarding controls in place (e.g., bar-coding process of purchased property).



- Personal Property Capitalization Thresholds: Office of Financial Management completed a study of personal property capitalization thresholds among Bureaus, in which new threshold amounts were recommended for standardization. USPTO implemented the new threshold amounts as recommended.
- Government-wide Treasury Symbol (GTAS) Preparation: With the coming deployment of GTAS, the U.S. Department of Treasury (Treasury) is visiting agencies to ease the technical transition, and testing progress is reported to OS.
- Annual Disbursements Sample Testing: The OS CFO annually selects a sample of disbursements, for the period of October 1 through June 30, from Bureaus for testing, under the Office of Financial Management's annual erroneous payments minimization/recovery efforts. Once the sample disbursements have been selected by the OS CFO, USPTO provides supporting documentation for each selected disbursement.
- Federal Accounting Standards Advisory Board (FASAB) Exposure Drafts: Per OS's request, USPTO reviews exposure drafts and provides comments.
- OMB Circular A-25 User Charges: Annually, the USPTO submits a listing of products and services, along with the number of transactions and revenue amounts to the Office of Financial Management. User Charges Certifications are signed by the USPTO CFO.

### Audit and Performance Reports

- Annual Performance and Accountability Report (PAR): USPTO sends the draft annual PAR to OS and OIG for review in advance of the OMB deadline, and incorporates feedback prior to submission.
- Audit or Evaluation Corrective Action Plans: USPTO submits status updates of audit/evaluation corrective action plans to OS on a quarterly basis. Once an audit/evaluation corrective action plan has been completed, the supporting documentation is provided to the OS CFO within two (2) weeks.
- Audit Representation Letter and Subsequent Events Letter: USPTO prepares and submits the audit representation letter and subsequent events letter to OS on an annual basis.
- Financial Statement Audit: The Office of Inspector General (OIG) is the primary contractor for services, and works with and through OS on audit issues.

### Reporting

- Financial Reporting Guidance: USPTO reviews the quarterly guidance provided by the OS CFO and adheres to the policies provided within.
- Apportionment Schedule: USPTO submits signed SF 132s (Apportionment and Reapportionment Schedules) to the OS CFO for review.
- Annual Reports: USPTO submits the following information to OS for review on an annual basis. These include:



- ✦ Exhibit 52: Report on resources for financial management activities for the fiscal year. The OS CFO reviews the information for consistency in reporting treatment across the Department for completeness/accuracy and to obtain explanations for significant variances from the prior fiscal year.
- ✦ Submission for Department of Commerce Debt Collections Improvement Act (DCIA) Annual Report: In order for the OS CFO to prepare the DCIA Annual Report, Bureaus, including USPTO, are required to complete a questionnaire on debt collection practices. Furthermore, USPTO is required to submit a Debt Collection Regulations Compliance Certification form, which certifies compliance with Department of Commerce's debt collection regulations (15 CFR Part 19, Commerce Debt Collection).
- ✦ Imprest Funds: A list of each Imprest Fund, including imprest fund title and number, physical location, purpose, dollar balance, number of transactions for the ten months ended July 31, and total dollar amount disbursed for the ten months ended July 31.
- ✦ Business Partner Network Registration Points of Contact (POC): Register includes the entity(ies) for which each POC is responsible.
- Quarterly Reports: USPTO submits the following reports to the OS CFO for review on a quarterly basis. These include:
  - ✦ Intra-Commerce Transactions: A summary and detailed transaction listings of all transactions completed between USPTO and other Commerce Bureaus.
  - ✦ Intra-governmental Transactions: A summary and detailed transaction listings of all transactions completed between USPTO and other governmental agencies.
  - ✦ SF-13 International Transaction Report: A detailed transaction listing by country.
  - ✦ Performance Metrics: USPTO submits fund balance with treasury reconciliation information.
  - ✦ Legal Letter: USPTO submits a copy of the legal letter and unasserted claims for Commerce's materiality threshold on a quarterly basis. USPTO is also required to submit a schedule of cases listed in USPTO's contingent liability balance.
  - ✦ Financial Reporting Requirements: USPTO submits complete trial balance information, footnotes, supplemental data, and erroneous payments data into Commerce's Hyperion System on a quarterly basis. In addition, on a quarterly basis, USPTO sends stand-alone financial statements and footnotes, and completes the manual Commerce footnote text matrix and statement of net cost by major program.
  - ✦ Treasury Report on Receivables (TROR): USPTO submits the TROR to Treasury and provides to OS for review on a quarterly basis.



- ✦ Finance Officer Review Checklists and CFO Review Checklists: USPTO reviews items on a checklist provided by OS and submits copies signed by the Finance Officer and CFO to OS on a quarterly basis.
- ✦ Financial Statement Fluctuation Explanations: USPTO prepares explanations for financial statement line items which meet a threshold set by OS, and submits to OS on a quarterly basis.
- ✦ Intra-Commerce Checklists: Addresses USPTO's procedures and results for reporting and reconciliation of transactions, and balances with other Bureaus and OS entities.
- ✦ Intragovernmental Checklists: Addresses USPTO's procedures and results for reporting transactions and balances with other Federal entities.
- ✦ Prompt Payment Act Data: Provides dollar value and number of invoices paid subject to the Prompt Payment Act, including prompt payment percentage, invoices paid late, and late payment interest penalties paid.
- Monthly Reports: USPTO submits the following information to OS for review on a monthly basis. These include:
  - ✦ Treasury's Monthly Use of the Central Accounting Data (UCAD) Report Reconciliation: USPTO reconciles to Treasury's UCAD Report and provides documentation of the reconciliation to the OS CFO on a monthly basis.
- Ad Hoc Data Calls: USPTO regularly provides financial data and internal control information to the OS CFO on request.

### Miscellaneous

- Meetings and Working Groups: USPTO participates in OS's Financial Reporting Operational Group meetings and A-123 status meetings on a monthly basis, Consolidated Audit status meetings bi-weekly, and weekly during the final audit phase.
- OS Human Capital Workforce Team: USPTO participated in meetings with OS to design and develop a *CFO Knowledge Sharing* Web site.

## ACQUISITION:

### Small Business Program

- Small Business Opportunities Forecast: Annual projections of upcoming USPTO procurements available to small businesses are provided to OS for review prior to being posted to the USPTO Intranet.
- Small Business Strategic Report: Assessment of USPTO compliance with the Small Business Strategic Plan, which outlines activities and goals to award to small businesses is provided annually.



- Small Business Scorecard: USPTO provides an ongoing report of progress in meeting established socio-economic goals.
- Small Business Anomaly Report: As requested by OS, the report summarizes corrective actions taken by USPTO to address inconsistencies identified through an analysis of data entered by the Contracting Officer to FPDS-NG (Federal Procurement Data System-Next Generation).
- Socio-Economic Goals: USPTO provides regular updates of performance against Department-wide socio-economic goals (the percentage of total dollars awarded to the various socio-economic categories).
- Small Business Utilization Plan: The Small Business Utilization Plan identifies policies and procedures that will be used to promote the use of small businesses and monitor compliance, and is submitted to OS for review annually.

### Acquisitions

- Acquisition Planning Report: USPTO submits a report annually that addresses efforts made in achieving acquisition planning objectives.
- Service Contract Inventory Report: A listing of existing USPTO service contracts is provided to OS on request.
- Place of Manufacturing Data: USPTO reports data to Congress annually on the acquisition of articles, materials, or supplies manufactured outside the U.S., and data is provided to OS for review prior to Congressional submission.
- Procurement Management Reviews: Reviews are performed on a tri-annual basis to ensure compliance with rules, regulations, and procedures. Findings are reported to OS.
- Acquisition Metrics: Metrics are reported monthly, or at agreed upon reporting intervals, as part of OS's Acquisition Improvement Project.
- Interagency Acquisition Report: A high-level semi-annual report of the portfolio for all interagency agreements during the six (6)-month period being reported.
- Quarterly Charge Card Report: USPTO provides reviews of all charge card activities for compliance and furnishes the results on a quarterly basis.
- Charge Card Management Plan: The Charge Card Management Plan outlines internal controls and compliance requirements to reduce the risk of waste, fraud, and abuse in the charge card program. Annual updates are submitted to OS for review, and feedback is incorporated.
- Purchase Card Annual Report: A summary of annual review findings, including areas of non-compliance and recommendations for improvements is provided to OS.

### Federal Procurement Data System-Next Generation (FPDS-NG)

- Data Quality Report: The Data Quality Report provides results of the quarterly data quality verification and validation for the sampled contract data. A report is



submitted to OS annually to document utilized processes, remedies, and internal controls.

- Monthly Data Report: The monthly data report provides results of an overall review of procurement actions entered into the system.

### Staffing

- Acquisition Human Capital Plan: Quarterly updates are provided on USPTO's progress in meeting goals outlined in the Department-wide plan.
- Federal Acquisition Certification-Contracting/Contracting Officer Representative (FAC-C/FAC-COR) Reporting: The report provides updated information annually to reflect the status of the Contracting Officers and Representatives' compliance with mandated training requirements for various positions and levels of authority.
- Contracting Officer Warrant Report: The report includes names of appointees, grade and series, organization, warrant level, date of appointment, and any limitations on the warrant.

## INFORMATION TECHNOLOGY:

### Capital Planning and Investment Control

- USPTO provides the OS CIO with copies of IT-related budget documents (e.g., Exhibit 53 for reconciliation, Exhibit 300 for new planned budget initiatives) for review, and incorporates feedback in advance of submission to OMB.
- USPTO provides copies of the annual USPTO Strategic Information Plan and Operational IT Plan to the OS CIO for review.
- OS will be briefed when USPTO plans to establish new major investments (major investments are defined as those that require their own OMB 300).
- When planning on re-baselining major investments (those that require their own OMB 300s), USPTO submits their internal USPTO Change Request to the OS CIO for review and comment in advance of submission to OMB or self-approval of such plans.

### Federal IT Dashboard Reporting

- USPTO provides the OS CIO with monthly status updates for the Federal IT Dashboard and OS CIO Assessment. These include:
  - Budget documents and project plans per OMB guidance, with milestones for current-year and out-years, earned value management (EVM) performance, risk register, operational analysis, and other artifacts required by the Electronic Capital Planning Investment Control (eCPIC) System or requested by OS.
  - Monthly quad charts for ongoing major investments or a brief written quarterly on planned investments scheduled to start in future years.



- ✚ USPTO responds to inquiries from OS management offices, such as the CPIC lead on dashboard reporting questions/issues.

### Management

- OS OCIO attends meetings between USPTO and OMB that relate to USPTO high risk investments, and USPTO provides OS OCIO with briefings in advance of meetings with OMB.
- In accordance with OMB's 25 Point Implementation Plan to Reform Federal Information Technology Management, USPTO implements TechStat reviews at the bureau level for troubled or high-risk IT projects/programs/investments, with OS attendance at bureau-level TechStat meetings.

### IT Security and Privacy

- USPTO reports IT security incidents through OS's Computer Incident Response Team (CIRT).
- USPTO provides OS with copies of its Privacy Impact Assessments prior to submission to OMB.
- The OS Chief Privacy Officer provides policy guidance to USPTO with respect to personally identifiable information (PII) loss incident reporting, determining risk, chairing the Breach Response Task Force, and providing remediation.
- The OS Chief Privacy Officer has primary responsibility for the Commerce privacy and data protection policy under 42 U.S.C. 2000ee-2. The Chief Privacy Officer is responsible for the overall development and maintenance of privacy policies, procedures, and guidance essential to the effective and efficient implementation of these activities. In addition, he/she is responsible for policy development, administrative regulations, and the implementation of programmatic matters related to the Privacy Act of 1974 and other privacy laws/mandates for the Department of Commerce.

### Miscellaneous and Ad Hoc Information Requests

- Data Calls: USPTO responds to OS-generated data call requests.
- Open Government: USPTO fully participates on the Open Government Team, including a Data.gov POC and representation on the regulatory team. USPTO participates in a number of open government activities, under the general guidance and direction of OS's open government initiative.



**HUMAN RESOURCES:****Compensation and Benefits**

- Wellness Report: The USPTO Office of Human Resources (OHR) works closely with the OS Office of Human Resources Management (OHRM) to get input on objectives/initiatives to achieve Government-wide goals. USPTO submits a quarterly report identifying existing programs, improvement targets, action plans, measures, costs, and actions completed.
- Commerce Wellness Working Group: USPTO participates in monthly meetings, wellness surveys, and OS's response to the annual Office of Personnel Management's (OPM) WellCheck Survey.

**Labor and Employee Relations**

- Official Time Reports: USPTO files data with OS annually so that they can file with OPM.
- Partnership Forum: USPTO participates in frequent conversations about the partnership forum.
- Union Handbook Reporting: USPTO provides data to OS for inclusion in OS's handbook. USPTO provides updates on contract status, leadership, dues withholding, and bargaining unit size on an annual basis.
- National Consultation Rights with the Patent Office Professional Association (POPA): USPTO has periodic discussions concerning policies released by OS to POPA, most of which do not apply to POPA bargaining unit members.
- Comments on Pending Legal Changes/Cases with Significant Legal Impact: USPTO frequently provides comments to OS on human resources policies and issues combined with other comments, including proposed legislative changes, Department of Commerce-policy, and pending cases raising significant legal issues.
- Drug Testing Policy: USPTO is working with OS's drug testing program.

**Employment (Hiring)**

- Delegated Examining (DE) Audit: OHR works directly with OS during audits of its hiring procedures.
- Hiring Employees with Disabilities: USPTO works with OS to share information related to the hiring of disabled persons.
- Veterans Hiring Initiative: USPTO works with OS to share information related to the hiring of veterans.
- Quarterly Reports: USPTO submits various reports and information to OS for review on a quarterly basis. These include:



- ✚ *Recruitment and Relocation Report:* USPTO provides a quarterly report to OS of any recruitment and relocation incentives of \$10,000 or below that have been approved for the designated quarter.
- ✚ *Hiring Timeline:* USPTO provides a quarterly report to OS on the number of days to complete hiring cycles for DE and merit promotions (MP) vacancies.
- Annual Reports: USPTO submits a number of employment-related reports to OS for review on an annual basis. These include:
  - ✚ *Federal Equal Opportunity Recruitment Program (FEORP) Report:* USPTO provides an annual report that addresses performance measures and milestones contained in the USPTO Strategic Human Capital Plan in support of FEORP and the Hispanic Employment Program.
  - ✚ *Disabled Veterans Report:* USPTO provides an annual report to OS on the Disabled Veterans Affirmative Action Program for each fiscal year.
  - ✚ *Outreach Recruitment Plan:* OHR provides an annual description of its programs, activities, and events involved in its outreach recruitment efforts.
- Quarterly Classification Partnerships Meetings: USPTO participates in meetings that cover topics related to classification policy and initiatives that impact OS.

### Executive Resources

- Appointments: USPTO coordinates with the Secretary, the White House Liaison, and OPM to identify and hire/onboard political appointees, and coordinates with the Secretary on the selection of Commissioners, approval of Administrative Patent Judges and Administrative Trademark Judge selections, and approval of PPAC/TPAC appointments.
- Commissioner Performance and Awards: USPTO coordinates with the Secretary in preparation of performance plans, pay adjustments, and awards for Commissioners.
- Top Level List: OHRM provides data to OS, including positions, appointment types, and names of approved senior level positions.
- New Entrant and Annual Financial Disclosure Filers (OGE 278): USPTO coordinates with OS to ensure senior employees complete the OGE 278.
- Dual Compensation Waivers: USPTO coordinates requests for dual compensation waivers with OS for submission to OPM.

### Human Resources Information Services

- Shared Services: OS is the primary contractor for multiple human resources systems and information services utilized by USPTO. USPTO funds maintenance and licensing items through the OS WCF and works with and through OS on issues that arise. Maintenance and enhancement items are also coordinated with OS. These include:
  - ✚ *Official Personnel Folder (eOPF)*



- ✦ *Human Resources Line of Business*
- ✦ *Payroll/National Finance Center (NFC)*
- ✦ *Learning Management System (LMS)/ Commerce Learning Center (CLC)*
- ✦ *Monster Hiring Management (MHM)*

### Strategic Human Capital Planning

- Succession Plan: In 2010, USPTO responded to OS's request to develop an agency succession plan.
- Human Capital Assessment and Accountability Framework (HCAAF) Audit: USPTO participated in OS's HCAAF audit in September 2011.
- Strategic Human Capital Plan: USPTO submits its annual Strategic Human Capital Plan to OS for review and comment, incorporating feedback where practicable.
- Human Capital Management Report (HCMR): USPTO submits an annual report to OS identifying performance measures and milestones contained in the USPTO Strategic Human Capital Plan, and findings/results of the USPTO's assessment of compliance with applicable laws, rules, regulations, and actions taken to correct any violations or deficiencies identified. These include development of or revision to USPTO's strategic human capital goals and objectives.
- Employee Viewpoint Survey (EVS): USPTO works closely with OS to ensure USPTO employee participation in the annual survey.
- New Employee Survey: New USPTO employees participate in the quarterly survey administered by OS to gauge progress in OPM-established performance measures.
- Performance Appraisal Assessment Tool: USPTO submits results of its performance appraisal assessment to OS for review.
- Federal Knowledge Management Report: USPTO provides an annual report on the agency's knowledge management strategies, programs offered, and experiences with implementation.
- Scorecard Updates: USPTO submits quarterly progress reports on key human resources items from the agency's Strategic Plan (e.g., hiring goals).
- Department-wide Policies: USPTO frequently reviews and provides feedback on proposed Department-wide policy changes that may impact USPTO procedures.
- Human Capital Management & Accountability Council Meetings: USPTO participates in recurring meetings, as scheduled.

### Training

- Mission Critical Training Needs Assessment Report: USPTO performs an annual training needs assessment and reports results to OS.
- Training Evaluation: USPTO provides annual supervisory and telework training, and reports to OS on these training initiatives.
- Training Officers Council: USPTO participates in monthly OS meetings with all Bureau Chief Learning Officer equivalents.



- Training and Employee Development Forum: USPTO assists and attends this annual event.
- Commerce Learning Center (CLC): USPTO actively uses CLC and participates in weekly CLC administrative teleconferences, and provides a representative on the CLC Governance Board which is responsible for policy, long-term strategy, and vendor relations. CLC administrators are responsible for generating accurate Enterprise Human Resources Integration data as required by OPM.

### Telework

- Telework Assistance: USPTO provides advice and assistance across Commerce in the area of telework implementation, including a presentation to the Labor/Management Council, representation at on-site meetings and conference calls with the National Oceanic and Atmospheric Administration (NOAA), and participation in the OS Telework Committee which held its first meeting in February 2011.

### Miscellaneous

- Primary Human Resources Managers (PHRM) Meetings: USPTO participates in monthly PHRM meetings.
- OS Labor/Management Council: USPTO participates in quarterly meetings of the Labor/Management Council.

## GOVERNMENT AFFAIRS:

### Direct OS Policy Coordination

- Analysis and Development of Legislative Proposals: USPTO works closely with OS's Office of Policy and Strategic Planning, Office of the General Counsel (OGC), and Office of Legislative and Intergovernmental Affairs (OLIA) in developing, drafting, reviewing, and analyzing pending/draft legislative proposals relating to USPTO operations, policy, and intellectual property (IP) issues. These include:
  - ✦ *Clearance of administration, departmental or USPTO Views Letters, and Statements of Agency Policy or other written expressions of positions/recommendations on pending legislation.*
  - ✦ *Clearance of USPTO written testimony.*
  - ✦ *Clearance of USPTO written materials to be distributed on Capitol Hill.*
  - ✦ *Drafting of legislative proposals/recommendations.*
  - ✦ *Drafting of responses to Congressional inquiries addressed to the Secretary involving IP issues.*
  - ✦ *Coordination of technical assistance provided to Congressional staff.*
  - ✦ *Review of Legislative Referral Memos (LRM) involving IP issues.*



- ✚ *Daily interaction with OGC on a wide range of issues.*
- ✚ *Participation in weekly legislative affairs meeting hosted by OLIA.*
- ✚ *Participation in weekly conference calls on IP policy matters.*

## LEGAL:

### Ethics Program

- USPTO Ethics Program: OS OGC retains responsibility for USPTO's Ethics Program, which includes: providing advice to USPTO employees on ethics issues, which encompasses issues relating to conflict of interest statutes and ethics regulations, and related matters, including on political activities issues and gifts to USPTO; providing ethics training to USPTO employees; administering the financial disclosure program for USPTO employees; and otherwise providing services as set forth for agency ethics officials in 5 CFR Part 2638.

### Reporting

- Weekly Reports: USPTO's General Counsel submits weekly reports to the General Counsel on significant legal issues, as well as executive travel plans, issues of media interest, and internal administrative/personnel matters. This report is shared with other Bureaus, and matters of overlapping interest are further consulted upon.
- Weekly Staff Meetings: USPTO's General Counsel attends weekly OS OGC staff meetings, reporting on USPTO legal developments and projects.
- Weekly Teleconferences: USPTO's General Counsel participates in weekly teleconferences with the Deputy General Counsel to further discuss issues raised in weekly reports and staff meetings.

### Coordination

- Intellectual Property Litigation: Positions to be submitted in memos to the Department of Justice (DOJ) will be discussed in advance with the General Counsel or his designee and such memos are submitted on a timely basis that permits review by the General Counsel, and upon concurrence are submitted as joint memos unless it is determined the matter implicates no OS policy.
- Supreme Court Litigation: OS OGC is notified in advance of meetings between the Solicitor General's office and USPTO.
- Rulemaking: USPTO's Retrospective Analysis of Significant Rules (E.O. 13563) plan and report have been subsumed within OS's plan and report. Major rulemakings affecting policy matters are submitted to OGC for review prior to submission to OMB.

**ADMINISTRATIVE SERVICES:****Real and Personal Property**

- Leases: USPTO provides information to OS on leases, number of employees teleworking (per building and per grade), and utilization factors in each building.
- Space Allotment: USPTO provides information to OS on space allocation standards in place.
- Future Growth: USPTO shares information about future space acquisition plans with OS. Prospectus level actions will be coordinated with OS.
- Monthly Meetings: USPTO participates in Real Property Working Group monthly meetings, and the Facilities Management Council.
- Personal Property Management Actions: USPTO reports to OS on five (5) separate actions. These include:
  - *Validation of Property Critical Element in Performance Plans*
  - *Impaneling Property Boards of Review*
  - *Completion of Property Boards of Review Reports*
  - *Completion of 100% Inventory/Certification of Personal Property*
  - *Completion of Property Officials Refresher Certification Training*
- Personal Property Management Reports: USPTO submits reports annually to OS. These include:
  - *Gifts of More than Minimal Value Reported to Employing Agencies*
  - *Gifts of More than Minimum Value Given to Foreign Individuals*
  - *Exchange/Sale Property Transactions*
  - *Excess Personal Property Furnished to Non-Federal Recipients*
- Executive Briefings: USPTO participates in monthly meetings with the Deputy Departmental Property Management Officer (PMO) and other Bureau PMOs to discuss controls affecting personal property, laptop losses, and other personal property matters.
- Ad Hoc Data Requests: USPTO responds to ad hoc data requests from OS regarding the total value and quantity of USPTO assets, and data on selected IT equipment.
- Laptop Losses: USPTO provides periodic updates to OS to document missing, lost, or stolen laptops during a specific time period.
- Excess Personal Property Screening: All USPTO excess property is entered into the OS Personal Property System for internal screening.

**Energy and Environment**

- Energy, Water, Gas, Recycling, Sustainability, Greenhouse Gases, Scopes 1, 2 and 3: USPTO provides metrics for consumption and targeted goals for reduction. USPTO analyzes and explains trends and provides corrective action plans for



missed goals. This information is rolled into OS's Scorecard. USPTO submits input as requested/required for OS's Strategic Sustainability Performance Plan (SSPP).

- Bi-Monthly Meetings: USPTO participates in bi-monthly meetings for the Energy and Environmental Annual Data Call Process Improvement Team, the Environmental Management Systems Working Group, and the Climate Change Adaptation Working Group.
- Monthly Meetings: USPTO participates in monthly meeting of the Strategic Sustainability Performance Executive Steering Committee.
- Special Workgroups: USPTO participates in other special workgroups, such as the Climate Change Adaptation Working Group and the National Environmental Policy Act (NEPA) Working Group.

### Fleet Management

- Annual Fleet Managers Report: All USPTO vehicle fleet information is entered into the General Services Administration (GSA) Federal Automotive Statistical Tool (FAST), which is sent to OS for review and submission to GSA. The report consists of USPTO's vehicle inventory, acquisitions, mileage, gas usage, and disposal.
- OS Fleet Management Process Questions: USPTO provides responses as needed to OS questions concerning various fleet management policies and procedures.
- Quarterly Fleet Managers Meeting: USPTO attends quarterly OS Fleet Managers meeting, which reviews and provides updates on vehicle policies and processes.

### Mail Management

- Annual Mail Managers Report: Annual GSA report on USPTO total mail expenditures. This report is forwarded to OS for review and submission to GSA.
- Monthly OS Mail Management Meeting: USPTO provides responses as needed to OS concerning various mail management policies and procedures.
- Monthly and Ad Hoc Mail Managers Meetings: USPTO attends monthly OS Mail Managers meeting, which reviews and updates mail management policies, procedures, and initiatives.

### Travel Management

- Bureau Travel Managers' Working Group: USPTO participates in the monthly Bureau Travel Managers' Working Group led by OAS' Travel Management Division.
- Other: Provides travel-related information, when requested.



## Miscellaneous

- Directives Management: USPTO will follow Departmental Organizational Orders (DOO) and Departmental Administrative Orders (DAO) as provided for in DOO 10-14, Section 5.
- Federal Advisory Committee Act (FACA): USPTO FACA activities, like other bureaus in the Department, are submitted to GSA through the OS's Committee Management Officer on FACA Committees. Per GSA guidance, each agency may have only one (1) Committee Management Officer.

## SECURITY:

### Submissions and Briefings

- HSPD-12 Quarterly Report Submissions to OS: USPTO provides a quarterly report that is incorporated into OS's overall report, and sent to OMB through OS's Office of the Chief Information Officer (OCIO). The report format has data regarding number of HSPD-12 credentials needed and number of credentials issued.
- National Security Briefings: At the request of OS, USPTO provides mandatory National Security Informational (NSI) briefings. After briefings, the signed SF-312 (Classified Information Nondisclosure Agreement) is forwarded to OS's Office of Security (OSY).
- Information Security Oversight Office (ISOO) Annual Submissions: These include:
  - ✚ *USPTO provides SF-311 (Agency Security Classification Management Program Data) for incorporation into OS's overall report. The SF-311 is a data collection form that every Federal agency submits on an annual basis to report the total number of original classification authorities, classification decisions, mandatory review requests, and declassification decisions for that particular agency. The data collected from these forms are reported in the Annual Report to the President.*
  - ✚ *USPTO provides cost estimates for security classification activities for each fiscal year via a Security Costs Estimates form used by ISOO to ascertain the cost of security classification activities performed by OS. The data is consolidated into an overall report submitted by OS to ISOO.*
- Counterintelligence Agent Onsite: OS initiative places a Counterintelligence Agent on site at USPTO, with the cost of this agent being borne by USPTO and extensive USPTO OCIO and Office of Administrative Services (OAS) interaction with the agent.
- Commerce Secretarial Visits: The USPTO provides protective assistance to the Secretary's protective detail during Secretarial visits to USPTO.
- Personnel and National Security Background Investigations: USPTO relies on OS to conduct National Crime Information Center (NCIC) checks. NCIC checks are





required and part of preliminary security checks conducted in order to vet potential USPTO employees for National Security positions, and PPAC/TPAC membership.

- Reports Generated by OMB and OPM regarding Background Investigations: OS receives reports from OPM and OMB that include information regarding USPTO background investigations.
- Quarterly Security Council Meetings: USPTO attends OSY quarterly meetings where various security topics of interest and OS security initiatives are discussed.

## Safety

- Annual Safety Report to Office of Safety and Health Administration (OSHA): OS is responsible for the overall submission of the Annual Safety Report to OSHA. USPTO provides copies of its OSHA's Forms 300 (e.g., log of work-related injuries/illnesses) and 300A (e.g., summary of work-related illnesses/injuries) to OS for incorporation into OS's submission.

## Continuity of Operations (COOP)

- Agency COOP Plan Review: USPTO's agency plan is provided annually to OSY for review and comment. USPTO incorporates OS suggestions into the plan, as appropriate.
- Federal Emergency Management Agency (FEMA) Readiness Reporting System (RRS): USPTO reports the agency COOP status to OS during exercises (e.g., Eagle Horizon) and actual incidents (e.g., natural disasters) for inclusion in FEMA RRS Reports.
- COOP Working Group: USPTO provides an agency representative at monthly OS COOP Working Group meetings.

## PRIVACY AND OPEN GOVERNMENT

### Privacy

- Freedom of Information Act (FOIA): USPTO responds to FOIA requests it receives directly, and processes its own appeals. USPTO sends documents to OS in response to FOIA requests that were submitted to OS, and includes materials for responses in addition to sending them as referrals for OS to review for disclosure. USPTO submits data to OS's Freedom of Information Officer for the FOIA Annual Report and Chief FOIA Officer's Report to DOJ, and in response to ad hoc requests relating to FOIA. The USPTO's privacy policy will be consistent with the Department-wide privacy policy.