



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
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September 25, 2012

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Instruction Memorandum No. NM-2012-38
Expires: 09/30/2013

To: All Employees, NM/OK/TX/KS
From: State Director
Subject: Memorandums of Understanding Policy

Program Area: Memorandums of Understanding (MOUs).

Purpose: This guidance assigns responsibility for generating, numbering, filing, tracking, and canceling MOUs.

Policy/Action: The MOUs are documents resulting from an unfunded “handshake” cooperation between the Bureau of Land Management (BLM) and other Federal agencies, state/local governments, and the private sector for whom mutual benefit would be derived under specified terms.

Involvement for MOUs within BLM New Mexico/Oklahoma/Texas/Kansas (NM/OK/TX/KS) is comprised by one of the following:

1. Supplements to Bureau-level MOUs generated by the Washington Office;
2. Statewide or state-level agreements;
3. Agreements generated by more than one District or Field Office within NM/OK/TX/KS;
4. Agreements generated by outside parties.

Specific guidance for generating MOUs is outlined in BLM Manual 1786, Memorandums of Understanding.

The MOUs should not be confused with assistance agreements. An assistance agreement is a legal instrument which transfers Federal assistance, usually funds, to a state or local government or other recipient (see BLM Manual 1511, Assistance Agreements). Assistance agreements should be reviewed and finalized by the Acquisition Team (NM9520).

In addition, a reimbursement agreement is an agreement between BLM and another Federal agency in which BLM provides goods and/or services and receives authorization of payment. The authorization must be received prior to initiation of the project. Reimbursement agreements should be reviewed and issued by the Budget Office (NM9110).

The State Director must sign all State-level MOUs or MOUs which involve more than one District and/or Field Office. District and Field Managers may sign MOUs within their jurisdictional area of responsibility. (See BLM New Mexico Manual Supplement 1203, Delegation of Authority, for delegations.)

The local Records Manager is delegated as the MOU Coordinator. If an office does not have a designated Records Manager, the Administrative Officer or the District/Field Manager must appoint an MOU Coordinator. The MOUs signed by the State Director shall be reviewed by Debra Yeager, State Records Management Specialist (NM9550), **prior** to signature and numbering.

Employees generating MOUs must:

1. Follow guidance for creating a MOU outlined within BLM Manual 1786, Memorandums of Understanding.
2. Include a definite duration or review timeframe within the MOU.
3. Submit a draft MOU for format reviewing by the MOU Coordinator **prior** to signature by any party and the numbering process.
4. Request a MOU number from the MOU Coordinator after it has been signed by the appropriate BLM Director/Managers.
5. Create an original MOU for each involved party.
6. Ensure all involved parties sign and date each original MOU.
7. Return one signed and numbered original to each signing party. **The original signed MOU for BLM will be provided to the MOU Coordinator for numbering and retention.** The MOU number should never be assigned until **after** the document has been signed by all parties. The BLM Manual 1786 provides the format for an MOU number.
8. **Provide an electronic version of the MOU to the MOU Coordinator for posting to the BLM New Mexico State Office (NMSO) Records website.** District/Field Office MOU Coordinators must send electronic versions of MOUs to the State Records Management Specialist for posting to the BLM Records website. To make it possible for individuals with vision problems to be able to view the online document(s), it is suggested these documents be saved to PDF from a Word document instead of scanned through a copier/scanner.
9. Inform the appropriate MOU Coordinator when a MOU should be cancelled or revised.

The local MOU Coordinator shall:

1. Review all MOUs for format and consistency in accordance with BLM Manual 1786, Memorandums of Understanding.
2. Number all MOUs once signed by all parties.
3. Maintain a numeric historical log for tracking of all MOUs. The effective date of the MOU will be the last signature date. For an example of a MOU log, you may access the NMSO Records website or contact the State Records Management Specialist.
4. Each Master-copy MOU should have its own case file; retain an original, numbered MOU along with pertinent supporting documents in this file. The case file is considered a permanent record in accordance with BLM Records Disposition Schedule 16, Item 16a.
5. Review historical MOU files with the specialist at least every 5 years to determine if the MOU is still in effect.

The State-level MOU index for active MOUs may be viewed on the NMSO Records website at http://web.nm.blm.gov/records/mou/MOU_Log_active.htm.

Timeframe: Immediately.

Budget Impact: None.

Manual/Handbook Sections Affected: None.

Contact: Questions pertaining to MOUs may be directed to Debra Yeager, State Records Management Specialist, at (505) 954-2130. Questions pertaining to this policy may be referred to Eileen G. Vigil, State Records Administrator, at (505) 954-2129.

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