

**EXAMPLES OF AUTHORITIES, OTHER THAN THE ECONOMY
ACT, WHICH MAY BE USED TO ACCEPT FUNDS FROM
FEDERAL AGENCIES**

**Specific USGS Authority to Accept Contributions
and to Prosecute Cooperative Projects**

Acceptance of Contributions from Public and Private Sources; Cooperation with other Agencies in the Prosecution of Projects (43 U.S.C. 36(c)). This statute provides: “In fiscal year 1987 and thereafter the United States Geological Survey is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State or private.”

43 U.S.C. 36 (c) provides USGS the authority to accept contributions as well as the authority to prosecute projects in cooperation with the identified entities, which includes Federal agencies. If another Federal agency has an authority to enter into agreements with other Federal agencies other than the Economy Act (see examples provided below), USGS may cite 43 U.S.C. 36 (c) to accept the other agency’s funds. Consequently, the interagency agreement would cite both the authority of the other agency to enter into an agreement with another Federal agency as well as 43 U.S.C. 36 (c).

USGS has determined that work performed for other Department of the Interior (DOI) bureaus is of a cooperative nature because USGS is the DOI’s science bureau. To further this mutual benefit to USGS and other DOI bureaus, USGS cost shares when entering into agreements with Department of the Interior bureaus and offices.

Based upon Comptroller General decisions applicable to Federal agencies with authority to accept contributions/donations, USGS may also use 43 U.S.C. 36 (c) to accept grants.

Note: Because of the stipulations of the USGS Organic Act (43 U.S.C .31 et seq.), USGS may not accept contributions from a prohibited source. If 43 U.S.C. 36 (c) is used as an authority for an agreement with a non-Federal or non-State agency, the USGS Ethics Office must be consulted to ensure that the entity is not a prohibited source.

Program/Agency Specific Authorities Which Authorize Federal Agencies to Enter Into Cooperative and Reimbursable Work Agreements with Other Federal Agencies

The following provides examples of statutes, related to USGS programs and scientific expertise, which authorize another Federal agency to enter into and fund a cooperative or reimbursable agreement for the purposes specified by the statute. These authorities typically specify the agency or types of entities which can enter into the agreements, identify the type of authorized agreements, and define the nature of the projects/services which can be provided. It is the responsibility of the Federal agency funding the agreement to determine whether or not they will cite one of these authorities on an interagency agreement as opposed to the Economy Act. When USGS accepts funds from another Federal agency under one of these authorities, the agreement would also need to cite 43 U.S.C. 36 (c) as the USGS authority to accept funds unless the authority cited by the funding agency clearly provides authority for a Federal agency to accept funds.

1. Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.). The Fish and Wildlife Coordination Act authorizes the Secretary of the Interior to prepare plans to protect wildlife resources, to conduct surveys on public lands, and to accept funds or lands for related purposes; authorizes the investigation and reporting of proposed Federal actions that affect the development, protection, rearing, and stocking of all species of wildlife and their habitat in controlling losses, minimizing damages, and providing recommendations to minimize impacts on fish and wildlife resources. The Act provides authority for the Secretary to enter into agreements with Federal and State agencies, as well as public and private organizations, to assist in the protection of fish and wildlife and their habitats.

2. Partnerships Involving Fish and Wildlife Resources on Military Reservations (16 U.S.C. 670a et seq.). The Sikes Act provides for cooperation by the Departments of the Interior and Defense, along with State agencies, in the planning, development and maintenance of fish and wildlife resources on military reservations throughout the United States. The act provides the Department of Defense authority to fund agreements with other Federal agencies to obtain services needed for the implementation and enforcement of natural resources management on military reservations.

3. Fish and Wildlife Coordination Act of March 10, 1934 (16 U.S.C. 661 et seq.). Authorizes the Secretary of the Interior to prepare plans to protect wildlife resources, to conduct surveys on public lands, and to accept funds or lands for related purposes; authorizes the investigation and reporting of proposed Federal actions that affect the development, protection, rearing, and stocking of all species of wildlife and their habitat

in controlling losses, minimizing damages, and providing recommendations to minimize impacts on fish and wildlife resources. This statute includes authority for the Secretary to provide assistance to and to cooperate with Federal, State and public or private agencies.

4. Cooperation on Federal Energy Regulatory Commission (FERC) Licensed

Projects (16 U.S.C. 661 et seq.). Pursuant to the Fish and Wildlife Coordination Act, the Secretary is authorized to cooperate with project licensees, other federal agencies, state agencies and nongovernmental organizations in carrying out the purposes of the Act which include protection of wildlife resources and their habitat. Certain provisions of the Federal Power Act, 16 U.S.C. 791 et seq., authorize the Secretary, as part of a licensing proceeding, to request or mandate that FERC include such cooperative efforts in a project license.

5. Interagency Agreements on Climate-Related Activities (15 U.S.C. §§ 2901 to 2908). The National Climate Program Act of 1978 established a national climate program to assist the Nation and the world in understanding and responding to natural and human-induced climate processes and their known and potential effects. The statute provides authority for the Secretary of Commerce to enter into cooperative agreements for climate-related activities, including cooperative agreements with other Federal agencies.

6. Agreements Regarding the Landsat Program (15 U.S.C. § 5652 to 5654). The Land Remote Sensing Policy Act of 1992 assigns responsibility for the "National Satellite Land Remote Sensing Data Archive" to the Department of the Interior. The Act also authorizes and encourages the Department of the Interior and other Federal agencies to carry out research and development programs in applications of these data. The Act authorizes Federal agencies to provide assistance to land remote sensing system operations and for such operators to reimburse Federal agencies for substantial assistance.

7. Marine Mammal Protection Act of 1972 (16 USC 1382 (c)). This statute provides authority for the Secretary of the Interior to enter into cooperative agreements and other transactions with any Federal or State agency, public or private institution, or other person, to carry out specified purposes for the conservation and protection of Marine Mammals.

8. Stewardship of Federal, State and Local Lands (16 U.S.C. §§ 4601-4608 – “Take Pride in America”). The Take Pride in America (TPIA) Program statute provides the Department with very broad authority to establish and maintain a public awareness campaign in cooperation with public and private organizations and individuals, in order to instill in the

public the importance of the appropriate use of, and appreciation for, Federal, State, and local lands, facilities, and natural and cultural resources; to promote an attitude of stewardship toward them; and to promote participation in caring for them. This statute also provides the Secretary the authority to accept volunteer services; to solicit, accept, hold, and use donations of money and personal property; to distribute pamphlets and other appropriate items to promote TPIA; and to enter into contracts and cooperative agreements, as well as to do any lawful acts necessary to further the TPIA purposes. The TPIA Program office should be contacted with any questions as to the appropriate use of the authority provided in the TPIA statute.

9. Rural Development Policy Act of 1980 (7 U.S.C. 2204 (b) (4)).

Authorizes the Secretary of Agriculture to enter into cooperative agreements with other Federal agencies and other organizations concerning water management for rural areas.

10. National Park Service Organic Act (16 U.S.C. 1(g)). The National Park Service Organic Act, as amended, authorizes the National Park Service to enter into cooperative agreements with states, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs.

11. National Park Service Organic Act (16 U.S.C. 1(f)). The National Park Service is authorized to enter into Challenge Cost-Share Agreements with cooperators for the purpose of sharing costs or services in carrying out authorized functions and responsibilities of the Secretary with respect to any unit or program of the national park system, any affiliated area, or any designated national scenic or historic trail. The National Park Service may enter into cooperative agreements with any state or local government, any public or private agency, organization, institution, corporation, individual, or other entity under this authority.

12. Migratory Bird Conservation Act (16 U.S.C. 715). The Secretary of the Interior is authorized to conduct investigations and to administer specified areas of lands, water, or interests for the purpose of conserving and protecting migratory birds and other specified threatened or endangered species. The authority includes entering into agreements with public and private agencies to carry out the provisions of the Act.

13. Fish and Wildlife Act of 1956 (16 U.S.C. 742(e)). The Fish and Wildlife Act of 1956 authorizes the Secretary of the Interior to conduct investigations, prepare and disseminate information, and make periodic reports to the public regarding the availability and abundance and the biological requirements of fish and wildlife resources; provides a

comprehensive national fish and wildlife policy and authorizes the Secretary of the Interior to take steps required for the development, management, advancement, conservation, and protection of fisheries and wildlife resources through research, acquisition of refuge lands, development of existing facilities, and other means. In carrying out the provisions of this Act, the Secretary may enter into agreements with other Federal agencies to obtain advice and assistance. Such agencies may provide services with or without reimbursement, as agreed upon between the Secretary and the department or agency.

14. Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3119). The Secretary of the Interior is authorized to enter into cooperative agreements or otherwise cooperate with other Federal agencies, the State, Native Corporations, other appropriate persons and organizations, and, acting through the Secretary of State, other nations to fulfill the purpose and policies of subsistence management and use of public lands in Alaska.

15. Geothermal Steam Act Amendments of 1988 (30 U.S.C. 1026 Section 6). The Secretary of the Interior is required to (1) maintain a monitoring program for significant thermal features within units of the National Park System, and (2) establish a research program to collect and assess data on the geothermal resources within units of the National Park System with significant thermal features in cooperation with the USGS.

16. Geothermal Energy Research, Development and Demonstration Act of 1974 (30 U.S.C. 1121). The Act states the Department of the Interior is responsible for the evaluation and the assessment of the geothermal resource base, including the development of exploration technologies. The Department of the Interior, as well as other agencies cited in the Act, are authorized to detail or assign, on a reimbursable basis or otherwise, personnel to assist it in carrying out their responsibilities provided by the Act.

17. Surface Mining Control and Reclamation Act of 1977, as amended, established the Office of Surface Mining Reclamation and Enforcement (OSM) (30 U.S.C. 1201 et seq.). The Act's provisions include establishment of a cooperative effort to prevent or mitigate adverse environmental effects of present and future surface coal mining operations. USGS cooperation includes assisting OSM in determinations of the probable hydrologic consequences of mining and reclamation operations.

18. Agreements for surveys and investigations. (33 U.S.C. 883(e)). The Secretary of Commerce is authorized to enter into cooperative agreements, or any other agreements, with and to receive and expend funds made available by any State (or subdivision thereof), any Federal agency, any public or private organization, or individual, for surveys or investigations authorized by the statute, for performing related surveying and mapping

activities (including special-purpose maps), and for the preparation and publication of the results thereof.

19. Federal Water Pollution Control Act Amendments of 1972 and its successors, the Clean Water Act of 1977 and the Water Quality Act of 1987 (33 U.S.C. 1251 et seq). Authorize extensive water quality planning, studies, and monitoring under the direction primarily of the Environmental Protection Agency (EPA). The Geological Survey is called upon to participate in many of these activities, partly by EPA and partly by State agencies in the Federal-State Cooperative Program. The act of 1987 includes new water quality work concerning Chesapeake Bay, the Great Lakes, Estuary and Clean Lakes Programs, and studies of water pollution problems in aquifers. The provisions of these statutes permit EPA to enter into cooperative agreements with other Federal agencies, states and local governments, as well as other parties. In addition, EPA may enter into interagency agreements with Federal agencies related to the Chesapeake Bay.

20. The Disaster Relief Act (42 U.S.C 5170(a), 5201 et seq.). The statute provides that the President shall direct appropriate Federal agencies to provide technical assistance to State and local governments to insure that timely and effective disaster warning is provided. The Director of the Geological Survey, through the Secretary of the Interior, has been delegated the responsibility to issue disaster warnings "...for an earthquake, volcanic eruption, landslide, or other geologic catastrophe." In any major disaster, the President may direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts.

21. Energy Reorganization Act of 1974 (42 U.S.C. 5845(c)). The Act directs Federal agencies to furnish to the Nuclear Regulatory Commission (NRC) on a reimbursable basis, through their own facilities or by contract or other arrangement research services for the performance of NRC's functions, to consult and cooperate with the NRC on research development matters of mutual interest, and to provide such information and physical access to its facilities as will assist the NRC in acquiring the expertise necessary to perform its licensing and related regulatory functions. The USGS conducts geological mapping in areas where future nuclear reactor construction is anticipated and conducts topical investigations of various geologic processes that could imperil the safe operation of the reactors or other critical energy facilities.

22. Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq; 43 U.S.C. 1737). Authorizes the Secretary of the Interior to

conduct investigations, studies, and experiments involving the management, protection, development, acquisition, and conveying of public lands; and to prepare and maintain inventories of all public land and resources. Includes provisions which authorize the Secretary of the Interior to enter into contracts and cooperative agreements involving the management, protection, development, and sale of public lands. The Bureau of Land Management (BLM) enlists the Geological Survey's hydrologic database and expertise in connection with BLM's responsibility regarding coal reserves on and beneath Federal lands.

23. Coastal Zone Management Act (16 U.S.C. 1456(c)). Authorizes the Secretary of Commerce to provide a program of technical assistance and management-oriented assistance to support the development and implementation of State coastal management program amendments and appropriate to the furtherance of cooperative efforts. Each department, agency, and instrumentality of the Executive Branch of the Federal Government may assist the Secretary (of Commerce), on a reimbursable basis or otherwise, in carrying out research and technical assistance for coastal zone management.

24. Coastal Barrier Resources Reauthorization Act of 2000. (P.L. 106-514). Reauthorizes and amends the Coastal Barrier Resources Act of 1999. Section 6 authorizes cooperative efforts between the Secretary of the Interior and the Director of FEMA to provide existing digital spatial data, including digital orthophotos, and shoreline, elevation, and bathymetric data of the John H. Chafee Coastal Barrier Resource Systems maps. If data do not exist to carry out this pilot project, the USGS, in cooperation with other Federal agencies, as appropriate, will obtain and provide the data required to the Secretary.

25. Agreements and Assistance for Research and Development of Aquaculture (16 U.S.C. §§ 2804(a) (2) & 2806). The National Aquaculture Act of 1980 directs the Secretary of the Interior to participate in the development of a National Aquaculture Development Plan and authorizes research, development, and other activities to encourage the development of aquaculture in the United States. Each Secretary named in the statute may enter into grants or contracts with any person, any other Federal department or agency, any State agency, or any regional commission to carry out their responsibilities under the Act.

26. Consumer Product Safety Act (15 U.S.C. 2076(g)). The Consumer Product Safety Act authorizes the U.S. Consumer Product Safety Commission to enter into contracts with governmental entities, private organizations, or individuals in order to carry out its mission.

27. Cooperative Authority to Restore and Enhance Watersheds (16 U.S.C. 1011(a)). The Wyden Amendment authorizes the Secretary of the Interior to use appropriations made for the Bureau of Land Management to enter into and implement cooperative agreements with public and private entities to restore and enhance watersheds, including those outside public lands if specified criteria are met.

28. Outdoor Recreation Authority (16 U.S.C. 460): The Outdoor Recreation Act authorizes the Secretary of the Interior to sponsor, engage in, and assist in research relating to outdoor recreation, directly or by contract or cooperative agreements and make payments for such purposes; and to undertake studies and assemble information concerning outdoor recreation.

29. National Aeronautics and Space Act (42 U.S.C. 2451). This Act authorizes the National Aeronautics and Space Administration to cooperate with interested agencies of the United States to ensure the most effective utilization of scientific and engineering resources of the United States and to avoid unnecessary duplication of effort, facilities, and equipment.

Governmentwide Authorities

This authority is available to all Federal agencies:

Government Employees Training Act (5 U.S.C. 4100 – 4104). This act authorizes Federal agencies to provide training for Federal employees and for state and local employees and to charge and retain a fee for the training.

USGS Product Sale Authorities

The following authorities permit USGS to sell and retain the receipts of the specified products. These authorities may be cited when providing the specified products to a Federal agency.

Publications and reports; preparation and sale (U.S.C. 41). This statute provides that the publications of the USGS shall consist of geological and economic maps illustrating the resources and classification of lands and other reports. The statute authorizes USGS to sell publications at the price of the publications.

Distribution of maps and atlases, etc. (43 U.S.C. 42). This statute authorizes and directs the Director of the Geological Survey, upon the approval of the Secretary of the Interior, to distribute topographic and geologic maps and atlases of the United States. The prices and regulations are to be fixed by the Director with the approval of the Secretary. Copies

of each map or atlas, not to exceed five hundred, shall be distributed gratuitously among foreign governments, departments of our own Government, literary and scientific associations, and to educational institutions or libraries.

Retention of map receipts (43 USC 42a). In fiscal year 1984 and thereafter, all receipts from the sale of maps sold or stored by the USGS shall be available for map printing and distribution to supplement funds otherwise available, to remain available until expended.

Sale of transfers or copies of data (43 U.S.C. 44). Permits the Geological Survey to furnish copies of maps to any person, concern, institution, State or foreign government that pays in advance the whole cost thereof with 10 per centum added. Monies received for such transfer are required to be deposited in the Treasury.

Production and sale of copies of photographs, mosaics and records (43 U.S.C. 45). Authorizes the Geological Survey to produce and sell on a reimbursable basis, copies of aerial or other photographs, mosaics, and other official records.