

Appendix A

Legal Authorities That Allow Receipt of Funds by the Department of Commerce

The statutes described below authorize the Department of Commerce to receive funds from third parties. Other agencies may have authorities that would allow them to enter into agreements with and transfer funds through these agreements to the Department of Commerce. The authorities of other agencies, however, are beyond the scope of this compendium.

- **Gift Acceptance Authority, 15 U.S.C. 1522**

This provision authorizes the Secretary of Commerce to accept and use gifts and bequests for the purpose of aiding or facilitating the work of the Department. Department Administrative Order 203-9 establishes the conditions for accepting gifts and bequests.

- **Joint Project Authority, 15 U.S.C. 1525**

This authority allows the Department to engage in joint projects, or perform services, on matters of mutual interest with nonprofit organizations, research organizations, or public organizations or agencies. The costs of such projects are required to be equitably apportioned. The Department may receive funds through a Joint Project Agreement so long as the principal purpose of the agreement is not to transfer funds.

- **Special Studies Authority, 15 U.S.C. 1525**

This authority allows the Department to receive funds for the purpose of making special studies on matters within the authority of the Department upon the request of any person, firm, organization, whether public or private. This would include preparing special compilations, lists, bulletins, or reports from its records, and furnishing transcripts or copies of its studies, compilations, and other records. This section requires advance payment for the actual or estimated cost of the work. It also requires full cost recovery.

- **Agreements to Foster Public Understanding of NOAA, 15 U.S.C. 1540**

This provision authorizes NOAA to receive funds through agreements with any nonprofit organization to aid and promote scientific and educational activities that foster public understanding of NOAA or its programs.

- **Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 et seq**

This purpose of this Act includes recognizing the contribution of wildlife resources to the nation and ensuring that wildlife conservation receives equal consideration and coordination with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation. This Act authorizes NOAA to make surveys and investigations of the wildlife of the public domain, including lands and waters or interests therein acquired or controlled by any agency of the United States, and to accept donations of land and contributions of funds in furtherance of the purposes of the Act.

- **National Marine Sanctuaries Act, as amended, 16 U.S.C. 1431 et seq**

The purposes of the National Marine Sanctuaries Act include providing authority for comprehensive and coordinated conservation and management of national marine sanctuary areas and developing and implementing coordinated plans for the protection and management of these areas with appropriate Federal agencies, State and local governments, Native American tribes and organizations, international organizations, and other public and private interests. NOAA is further authorized to accept donations in designating and administering national marine sanctuaries, and to enter into agreements with nonprofit organizations authorizing the organization to carry out the purposes and policies of the Act. Section 1442

- **Coastal Wetlands Planning, Protection, and Restoration Act, 16 U.S.C. 3951 et seq**

This Act established the Louisiana Coastal Wetlands Conservation and Restoration Task Force consisting of the Secretary of the Army, EPA Administrator, Governor of Louisiana, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. Under section 3952, the Secretary of the Army is authorized to allocate funds made available for this purpose, among members of the Task Force based on the need for such funds and such other factors as the Task Force deems appropriate to carry out the preparation of a priority project list. Further, this section authorizes the Secretary of the Army to allocate funds made available for this purpose among the members of the Task Force to carry out coastal wetlands restoration projects in accordance with the priorities set forth in the priority project list.

- **Economy Act, 31 U.S.C. 1535**

This provision provides that an agency may place an order with a major organizational unit within the same agency or another Federal agency for goods or services if: (1) funds are available; (2) the ordering agency decides the order is in

the best interest of the United States Government; (3) the agency to fill the order is able to provide or get by contract the ordered goods or services; and (4) the agency decides ordered goods or services cannot be provided as conveniently or cheaply by a commercial enterprise. In addition to the Department's using the Economy Act to transfer money to other federal agencies for these purposes, the Act is also a basis for the Department to receive money to provide goods and services to another Federal agency. The Act requires full cost recovery.

- **Intergovernmental Cooperation Act, 31 U.S.C. 6505**

This authority allows the Department to receive funds to conduct statistical and other studies and compilations, development projects, technical tests and evaluations, technical information, training activities, surveys, reports, documents and other similar services upon written request by a State or local government. The State or local government must pay all identifiable costs of providing the services. The Act requires full cost recovery.

- **Coast and Geodetic Survey Act, as amended, 33 U.S.C. 883e**

Section 883e authorizes NOAA to enter into agreements with, and to receive and expend funds made available by any Federal agency, State, public or private organization, or individual, for authorized surveys or investigations. This includes investigations and research in geophysical sciences such as geodesy, oceanography, seismology, and geomagnetism. Agreements may also be for the performance of related surveying and mapping activities, including special-purpose maps, and for the preparation and publication of the results of those activities. NOAA may also contribute its own resources to the extent it determines that its contribution represents the amount of benefit it derives from the agreement.