

Cooperative Agreements



US Army Corps of Engineers
BUILDING STRONG

What is a Cooperative Agreement?

A legal instrument as described by 31 USC 63, the Federal Grant and Cooperative Agreement Act where funds are being transferred to a partner, where substantial involvement is expected between the Corps and the partner when carrying out the activities within the agreement.

Substantial involvement may include collaboration, participation, or intervention in the program or activity to be performed under the cooperative agreement.

These agreements must be executed by a certified grants officer. Procedures for administering these agreements must comply with Department of Defense Directive 3210.06 (Defense Grant and Agreement Regulatory System (DGARS)):



USACE Cooperative Agreements

Note: USACE authority for cooperative agreements related to the recreation and environmental stewardship is limited to specific types/ purposes:

- Law enforcement services
- Fire protection services
- Educational and training activities
- Research and development



Cooperative Agreement Authorities

42 USC 1962D-5d, WRDA 1976, Sec 120: Cooperative Agreements for Law Enforcement Services

“The Secretary of the Army, acting through the Chief of Engineers, is authorized to contract with States and their political subdivisions for the purpose of obtaining increased law enforcement services at water resources development projects under the jurisdictions of the Secretary of the Army to meet needs during peak visitation periods.”



ER 1130-2-550, Chapter 7: A cooperative agreement shall be executed to provide reimbursement for law enforcement services.



APPENDIX H

FORMAT FOR AGREEMENT FOR LAW ENFORCEMENT SERVICES

EP 1130-2-550,
Appendix H:

Format for
Agreement for Law
Enforcement
Services

COOPERATIVE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND
(STATE OR POLITICAL SUBDIVISION) FOR THE PROVISION OF LAW
ENFORCEMENT SERVICES

This agreement, entered into this _____ day of _____, 19____, by the U.S. Army Corps of Engineers (district) (hereinafter referred to as the Corps) and (state or Political subdivision) (hereinafter referred to as the Cooperator). Witnesseth that:

WHEREAS, the construction of the _____ (hereinafter called the "Project") was authorized by the _____ Act, approved _____ (Public Law _____), and the provision of recreation, resources in (state of political subdivision) was authorized by (the same) *((the provision of (the Federal Water Project Recreation Act of 1965) *Section 4 of the 1944 Flood Control Act, as amended (16 USC 460d)); and

WHEREAS, it is the responsibility of the Corps, in administering the Project lands, to provide the public with safe and healthful recreational opportunities; and

WHEREAS, the Cooperator has the authority to enforce the state and local laws for (law enforcement jurisdiction) on such lands, and WHEREAS, Section 120 of the Water Resources Development Act of 1976 (Public Law 94-587) authorizes the Corps to contract with states and their political subdivisions for the purpose of obtaining increased law enforcement services on Project lands to meet needs during peak visitation periods; and

WHEREAS, it is in the best interests of the Corps to obtain the assistance of the Cooperator in the enforcement of state and local laws on Project lands.

NOW, THEREFORE, the parties hereto mutually agree as follows:

Article 1. Plan of Operation.

(a) The Corps and the Cooperator have agreed to a Plan of Operation which describes the scope and extent of law enforcement services to be provided by the Cooperator in accordance with this agreement. Such Plan of Operation, as concurred in by the Cooperator, is attached hereto as Appendix A and made a part hereof.

(b) It is recognized and understood that the Corps and the Cooperator may, at the request of either, renegotiate the Plan of Operation. The renegotiated Plan of Operation shall, upon written acceptance thereof by both parties, supersede Appendix A.

Article 2. Obligations of the Cooperator.

(a) The Cooperator agrees to furnish law enforcement services as follows:

Select applicable authority for the recreation development.

Cooperative Agreement Authorities

41 USC 501 , Federal Grant and Cooperative Agreement Act of 1977 (Amended by 31 USC 6301-08 Using Procurement Contracts and Grant and Cooperative Agreements)

“Unless the relationship is otherwise specified by statute, this Act requires that federal agencies characterize the relationship between a federal and non-federal party as one of a procurement contract **or** of Federal Financial Assistance. The selection of a particular instrument, such as a procurement contract or an assistance instrument, to document the transaction is determined by this relationship. Consider specific laws, regulations, and the vesting of title to property in research activities.”

This act set forth requirements to use cooperative agreements and grants to transfer funds to non-Federal entities, but did not provide authority by itself to enter into an agreement. There must be specific authority for the type of work being done.



Cooperative Agreement Authorities

31 USC 6301-08, Federal Grant and Cooperative Agreement Act of 1977 (Continued)

If authority is present => Must determine whether the proper instrument for the activity is a contract, cooperative agreement, or grant.

Contract: If the principle purpose is to provide something for the direct benefit or use of the Federal government

Assistance agreement (Cooperative agreement): If the purpose is to carry out a public purpose of support, or stimulate activities that are not for the direct benefit or use of the Federal government

Cooperative agreements should be used if substantial involvement between the agency and the other involved party is expected. If a cooperative agreement is proper, they are then subject to DoD regulations governing their use.



Cooperative Agreement Authorities

33 USC 2313; 15 USC 3710a; 10 USC 2358; 10 USC 2371: Cooperative Agreements for Research and Development

“(a) In carrying out research and development in support of the civil works program of the Department of the Army, the Secretary may utilize contracts, cooperative research and development agreements, and cooperative agreements with, and grants to, non-Federal entities, including State and local governments, colleges and universities, consortia, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and nonprofit organizations.”

- Agreement between Bonneville and Penn State for visitor surveys
- Cooperative Ecosystem Study Units (CESU) agreements with National Great Rivers Research and Education Center for Japanese Hops control and management
- CESU agreement with National Audubon Society and Cornell Lab of Ornithology for citizen science avian monitoring



Cooperative Agreement Authorities

33 USC 2339, WRDA 2000, Section 213a: Assistance Programs

“(a) Conservation and Recreation Management: to further training and educational opportunities about water resources development projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with non-Federal public and nonprofit entities for services relating to natural resources conservation or recreation management.”

(c) Cooperative Agreements - A cooperative agreement entered into under this section shall not be considered to be, or treated as being, a cooperative agreement to which chapter 63 of title 31, United States Code, applies.”

- SCA: Uses cooperative agreement set up through Fort Worth District
- Portland District and Northwest Youth Corps agreement for park maintenance, vegetation management and landscaping (approved through Grants and Agreements officer in Contracting, following DoD Grant and Agreement Regulations, paid by task order)





Student Conservation Association

- Former cooperative agreement through Army expired 30 November 2013. New direct agreement currently in development with SWF
- May use direct agreement through district if Grants Officer in place.
- USACE pays for SCA crews and interns in a fee-for-service cost share, transferring funds via MIPR to SWF
- SCA recruits and screens more than 4,000 applicants each year
- Conservation high school crews or college age interns
- Corps provides training, equipment, on-the-job transportation, and housing (or \$ for housing)
- SCA provides round-trip travel and living allowance, liability/health insurance, AmeriCorps education awards



Cooperative Agreement Authorities

42 USC1856a: Reciprocal Fire Protection Agreements

“(a) Each agency head charged with the duty of providing fire protection for any property of the United States is authorized to enter into a reciprocal agreement, with any fire organization maintaining fire protection facilities in the vicinity of such property, for mutual aid in furnishing fire protection for such property and for other property for which such organization normally provides fire protection.”

This authority is limited to mutual aid agreements and does not authorize an agency to enter into an agreement to reimburse fire departments for services unilaterally provided to the government.

The Corps of Engineers generally cannot enter into an agreement to pay for firefighting services when it would be legally entitled to receive them without such agreement. The Corps also may not reimburse a fire department for additional costs incurred in fighting a fire on federal property. Fire departments may seek reimbursement of expenses from fighting a Federal fire from FEMA

➤ J Strom Thurmond and US Forest Service prescribed burn CA



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New Expanded Authorities from WRRDA

- **Cooperative Management Agreements:** When a state or local park or recreation area is located adjacent to or near a Corps park, the Corps may enter into a cooperative agreement with a state or local government agency to allow for more effective and efficient management of the areas. This would also allow cost-sharing at outgranted areas.
- **Funding Transfer Authority:** Would allow transfer of funds appropriated for resource protection, research, interpretation, and maintenance activities to state, local and tribal government agencies and such other public or private non-profit entities through execution of a cooperative agreement.



Resources: NRM Gateway

<http://corpslakes.usace.army.mil/employees/coopagree/coopagree.cfm>



Cooperative Agreement

[Headquarters POC](#)

The [Federal Grant and Cooperative Agreement Act of 1977 \(FGCAA\)](#) sets forth the requirements for using cooperative agreements and grants to transfer funds to non-federal entities. However, use of cooperative agreements must be specifically authorized, and the FGCAA does **not** provide such authority. There is no general authority for the Corps to use cooperative agreements.

USACE authority for cooperative agreements is limited to the following specific types/purposes:

- Law enforcement services
- Fire protection services
- Educational and training activities
- Research and development
- Challenge partnerships (cost-sharing)
- Cooperating associations

● [Policy & Procedures](#)


● [Authorized Cooperative Agreement Types](#)

● [Cooperative Agreement Template](#)

● [News / Current Issues](#)

● [Existing Cooperative Agreements](#)

● [District Grants and Agreements Officers](#) 

 Item is restricted to U.S. Army Corps of Engineers and will open in a new window.

