

# Cooperative Agreements

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Partnerships in NRM  
PROSPECT Course



US Army Corps of Engineers  
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# What is a Cooperative Agreement?

Agreements for services and/or supplies with non-federal, state, county, city, or other organizations. Note: USACE authority for cooperative agreements is limited to specific types/purposes:

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



# Cooperative Agreement Authorities

## WRDA 1976, Section 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.



# Cooperative Agreement Authorities

**Federal Grant and Cooperative Agreement Act of 1977, 41 USC 501**  
(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

## **Federal Grant and Cooperative Agreement Act of 1977, 31 USC 6301-08 (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

## WRDA 1992, 33 USC 2328, Section 225: Challenge Cost-Sharing Program for the Management of Recreation Facilities

“(a) The Secretary is authorized to develop and implement a program to share the cost of managing recreation facilities and natural resources at water resource development projects under the Secretary’s jurisdiction.”

“(b) To implement the program under this section, the Secretary is authorized to enter into cooperative agreements with non-Federal public and private entities to provide for operation and management of recreation facilities and natural resources at civil works projects under the Secretary’s jurisdiction where such facilities and resources are being maintained at complete Federal expense.”

- Challenge Partnership Agreement: Allows Corps to accept services or funds but not reimburse for services (Handshake program)
- Cooperating Association: Agreement with tax-exempt non-profit organizations that volunteer services to the Corps (the Corps currently has 56 cooperative agreements with associations)



# Cooperative Agreement Authorities

## **WRDA 1996, Section 310; 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

## **WRDA 1998, Section 11: Cooperative Agreements for Natural Resources, Environmental Protection, Conservation, and Recreation Measures**

“The Secretary is authorized to enter into cooperative agreements with non-Federal public bodies and non-profit entities for the purpose of facilitating collaborative efforts involving environmental protection and restoration, natural resources, conservation, and recreation in connection with the development, operation, and management of water resources projects under the jurisdiction of the Department of the Army.”





# Cooperative Agreement Authorities

## WRDA 2000, 33 USC 2339, Section 213: Assistance Program

“(a) Conservation and Recreation Management: to further training and educational opportunities at 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 with US Army at Ft. Detrick
- 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

- US Army Medical Research Acquisition Activity administers the agreement and coordinates Army and Corps participation
- USACE pays for SCA crews and interns in a fee-for-service cost share, transferring funds via MIPR to USAMRAA
- 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 USC, Sec 1856a: 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.”

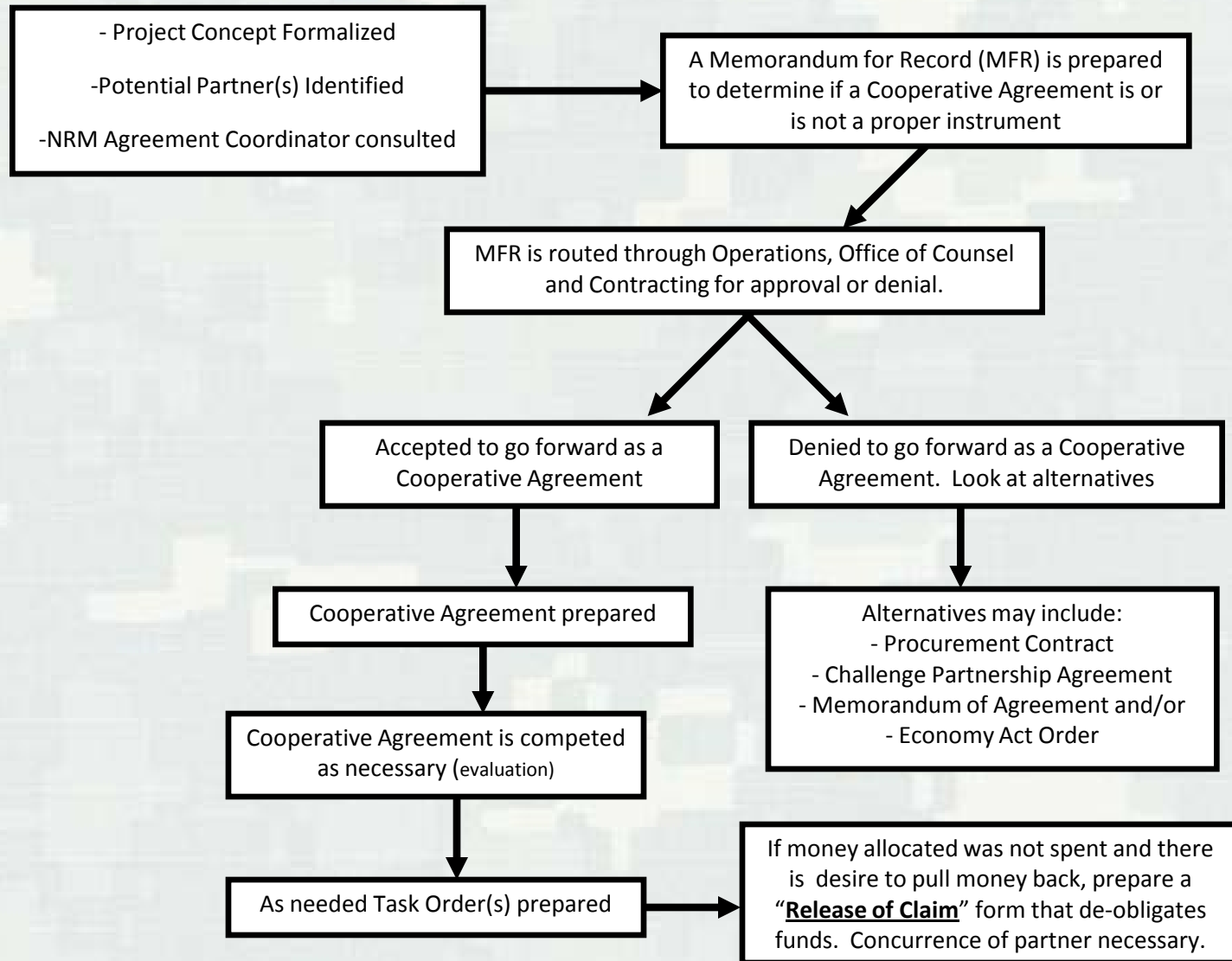
This authority is limited to mutual aid agreements and does not authorize an agency to enter into an agreement to reimburse fire departments for services unilaterally provided to the government.

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



# Cooperative Agreement Process: NWP



# Legislative Proposal to Expand Authorities

- **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.





# 21<sup>st</sup> Century Conservation Service Corps

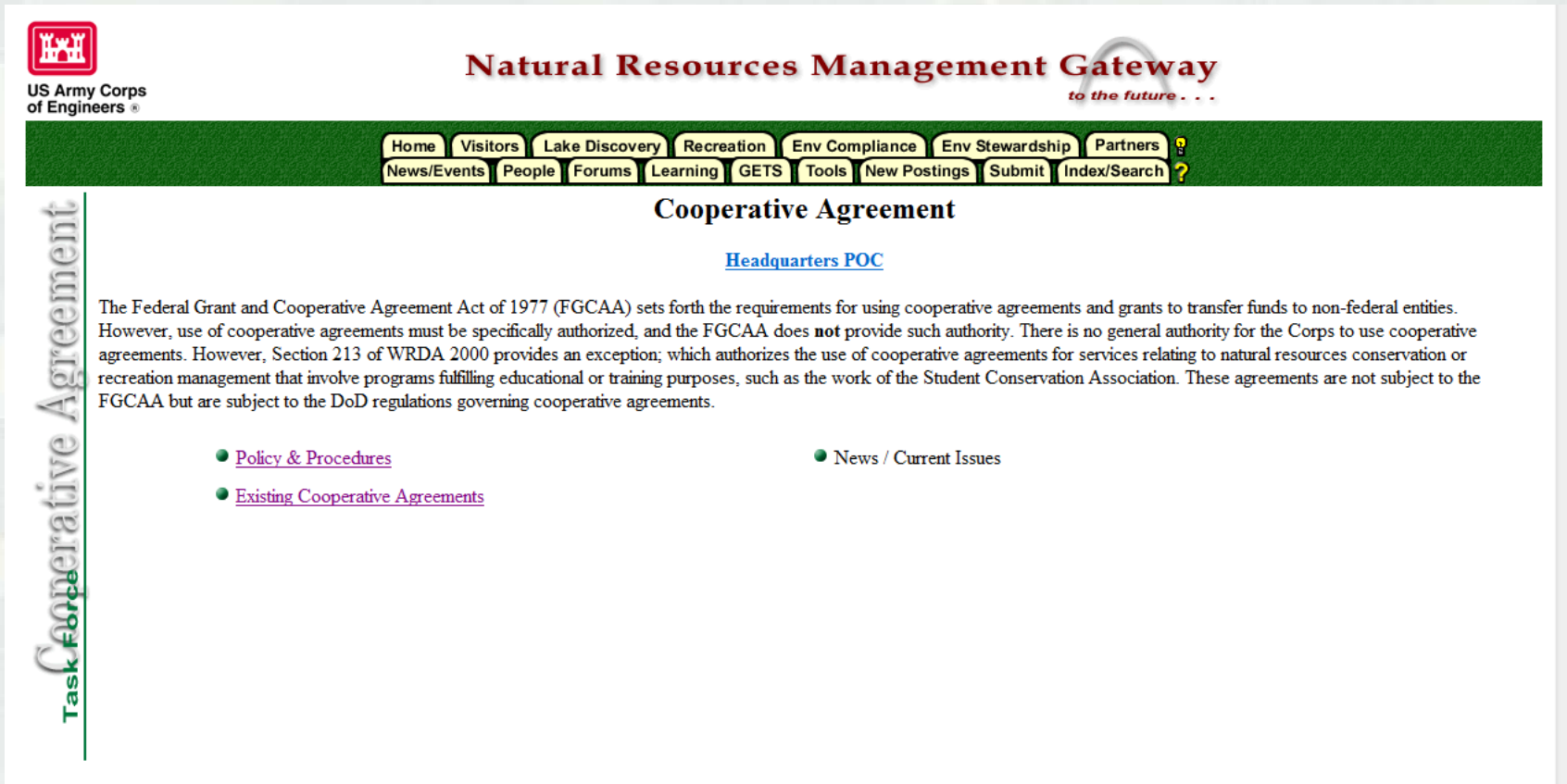


- **What it is:** A national effort to put young Americans (15-25 years old) and veterans (up to 35 years old) to work protecting, restoring and enhancing America's great outdoors
- Similar to the 1930's CCC, but operated by non-federal partners
- Funded through appropriations and public-private partnerships
- The 21CSC will result in service, training, education and employment opportunities that preserve, protect, and promote America's greatest natural and cultural treasures.
- **Challenge:** Currently have limited authority to use cooperative agreements to pay for services of youth corps. (Special exception for SCA and Portland's process)



# Resources: NRM Gateway

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



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## 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. However, Section 213 of WRDA 2000 provides an exception; which authorizes the use of cooperative agreements for services relating to natural resources conservation or recreation management that involve programs fulfilling educational or training purposes, such as the work of the Student Conservation Association. These agreements are not subject to the FGCAA but are subject to the DoD regulations governing cooperative agreements.

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Task Force Cooperative Agreement

