MEMORANDUM OF UNDERSTANDING

Between

U.S. Geological Survey

and the

National Archives and Records Administration

1. **Purpose**. The purpose of this agreement is to establish an affiliated relationship between the U.S. Department of the Interior, U.S. Geological Survey (USGS) Earth Resources Observation and Science (EROS) Center, and the National Archives and Records Administration (NARA) to provide for continuing collaboration, strategies, and innovation in preserving, managing, and providing access to aerial photographic, satellite imagery, and geospatial records – in both analog and digital formats – of the Earth's surface. The expectation is that this relationship will lead to the designation of the USGS EROS Center as an Affiliated Archives of the National Archives.

2. **Definitions**.
For purposes of this agreement, the following definitions apply.

(a) Accession is the transfer to NARA of legal custody of records of archival value. Accessioned records are those that have been transferred to NARA's legal custody.

(b) Affiliated Archives is a public or educational institution or association that holds, by formal written agreement with NARA, physical custody of records that are accessioned into the legal custody of NARA. This entity acts as an agent for NARA, and performs access, reference, and other archival functions.

(c) Affiliated relationship is a formal association between NARA and a public or educational institution or association whereby NARA and one or more other parties enter into an agreement relating to the custody of Federal records of archival value and on responsibilities for performing archival functions for those records.

(d) Legal custody is ownership of and the responsibility for creating policy governing access to records regardless of their physical location.

(e) Physical custody is the responsibility for the care of records and for implementing policy governing access to records.

3. **Parties.**

(a) The USGS EROS which opened in the early 1970s is a records and archive management, systems development, data and research center for the USGS and is located near Sioux Falls, South Dakota. The USGS EROS maintains a congressionally-mandated, permanent archives containing satellite remote sensing data of the Earth's land surface. The records are invaluable to scientists and other researchers who use them to study water, energy, and mineral resource problems and landscape change; to help protect environmental quality; and to contribute to prudent, orderly management and development of our Nation's resources.

Collections include aerial photographic, satellite and geospatial records in both analog and digital formats totaling some 40,000 square feet and over three petabytes of electronic data. Some of these records were created on behalf of USGS as part of its own science and mapping missions. Other film and data, however, were acquired by USGS EROS from other Federal agencies and from entities outside the Federal government, because USGS EROS is a recognized national repository for remotely sensed and geospatial records. The non-USGS collections came from other Department of the Interior bureaus (Bureau of Reclamation, Bureau of Land Management, National Park Service), Department of Defense entities (Army Map Service, Navy, Air Force, Corps of Engineers), NASA (various space centers), and other entities such as the French Centre National d'Etudes Spatiales (satellites d'observation de la Terre records).

USGS EROS provides reference service to researchers who submit requests for records by mail, fax, phone, e-mail, personal visit, and the Internet. USGS EROS has placed descriptive information about all of its collections online with many containing the "quicklook" (browse images) that represent the actual record.

(b) NARA was created in 1934. NARA ensures continuing access to essential evidence that documents the rights of American citizens, the actions of Federal officials, and the national experience. NARA establishes policies and procedures for managing U.S. Government records. It assists and trains Federal agencies in documenting their activities, administering records management programs, scheduling records, and retiring non-current records to regional records services facilities for cost-effective storage. It appraises, accessions, arranges, describes, preserves, and makes available to the public the historically valuable records of the three branches of Government. It manages a nationwide system of Presidential Libraries, records centers, and regional archives. It administers the Information Security Oversight Office, which oversees the Government's security classification program, and makes grants to non-Federal institutions to support historical documentation through the National Historical Publications and Records Commission. It publishes the Federal Register, Statutes at Large, Government regulations, and Presidential and other public documents.

4. **Authorities.**

NARA is authorized to enter into this Memorandum of Understanding (MOU) pursuant to Chapter 21 of Title 44, U.S.C., including but not limited to 44 U.S.C. §§ 2108(a), 2109, and 2110.

USGS EROS is authorized to enter into this MOU pursuant to:

43 U.S.C. 31 et seq.	The Organic Act of March 3, 1879, as amended, established the United States Geological Survey. This section provides, among other matters, that the USGS is directed to classify the public lands and examine the geological structure, mineral resources, and products within and outside the national domain.
43 U.S.C. 36c	Acceptance of contributions from public and private sources; cooperation with other agencies in prosecution of projects, states, "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."

5. **Responsibilities**. USGS EROS and NARA agree to establish USGS EROS as an Affiliated Archives for analog aerial records holdings when USGS EROS meets the preservation storage conditions defined in NARA policy 1571 (attached.) USGS EROS and NARA further agree to work toward expanding the USGS EROS Affiliated Archives role to include digital records holdings.

Once the NARA policy 1571 storage conditions have been met by USGS EROS, the respective points of contact, as designated in section 7, will prepare an initial list of holdings that comprise the USGS EROS Affiliated Archives. Such a list of holdings, updated from time to time, will be appended to this agreement and will signify that USGS EROS is an official Affiliated Archives of the National Archives. Thereafter, the list may be updated as additional records are appraised, scheduled, and accessioned by NARA, and stored by USGS EROS pursuant to the responsibilities described in the rest of this section.

It is understood by both parties that updates or revisions to NARA's 1571 preservation storage policy will be applicable to USGS EROS as an Affiliated Archives.

For its part, USGS EROS agrees:

(a) To work with NARA to establish and implement records retention schedules for all records in EROS physical custody, as required by law. Pursuant to such schedules, USGS EROS will transfer to NARA, at an appropriate time, legal custody of permanent records that are in the physical custody of USGS EROS, including records that were transferred to USGS EROS from other Federal agencies.

(b) To work with NARA to eliminate the existence of "split series," i.e., closely related archival holdings that are stored in two different locations. Specifically, EROS will accept from NARA, physical custody of approximately 200 cubic feet of USGS aerial holdings that are now stored at Archives II in College Park, and will transfer to NARA, upon completion of appropriate schedules and third-party agreements, physical custody of certain aerial records holdings that were transferred to EROS from other agencies, where the bulk of such other agency aerial records are already at Archives II.

(c) Upon demonstrating a capacity to meet NARA's 1571 preservation policy, to serve as an Affiliated Archives of NARA by managing, preserving, and making available for public use, analog aerial photography records. As an Affiliated Archives, USGS EROS will continue to provide access to the records as described in section 3(a) above, will store and maintain the records under preservation conditions acceptable to NARA (i.e., pursuant to NARA policy 1571), will protect information in records in accordance with the Freedom of Information Act (FOIA), and will follow NARA reference, arrangement, description, and preservation and security policy standards and guidance. USGS EROS will also permit NARA to examine the records and review how they are being managed, and will notify NARA as early as possible of any substantial risk to continued preservation of or access to the records. USGS EROS understands that NARA may, after providing notification and an opportunity to correct problems, take physical custody of records if they are not maintained in accordance with this agreement.

(d) To report, at least annually, to NARA on the condition, uses, and concerns regarding USGS EROS stewardship of the accessioned records.

(e) To cooperate and collaborate with NARA to ensure the continued preservation of and public access to the permanent digital aerial photograph, satellite imagery, and geospatial records in the physical custody of the USGS EROS, with the aim of adding the digital materials to the Affiliated Archives holdings of USGS EROS.

(f) Any press releases resulting from this MOU will be coordinated with the NARA Office of Public Affairs and Communications.

For its part, NARA agrees:

(a) To advise and assist USGS EROS in preparing records retention schedules for aerial photographs, satellite imagery, and geospatial records that are held by USGS EROS. As part of the records scheduling process, NARA will appraise records to determine whether or not the records warrant permanent preservation by the National Archives.

(b) Upon completion of appropriate schedules and third-party agreements, to accept for storage and management at Archives II, certain aerial records that were transferred to USGS EROS from other agencies where the bulk of such other agency aerial records are already at Archives II.

(c) To designate USGS EROS, upon its ability to meet the NARA 1571 preservation policy standard, as an Affiliated Archives for analog records held by USGS EROS that are accessioned into NARA's legal custody.

(d) In the future, to extend Affiliated Archives status for digital records held by USGS EROS when these records have been properly scheduled and are accessioned into NARA's legal custody.

(e) Upon USGS EROS designation as an Affiliated Archives for analog aerial records, to transfer to USGS EROS, physical custody of USGS aerial holdings that are now stored at Archives II.

(f) To provide guidance, advice, and training to support USGS EROS' efforts to conform to NARA standards and protocols.

(g) To cooperate and collaborate with USGS EROS to support USGS EROS efforts to maintain the capacity to properly manage, preserve, and provide access to accessioned records and permanent records that are scheduled for future accessioning.

(h) Any press releases resulting from this MOU will be coordinated with the USGS Office of Communications.

6. **Execution**. This MOU shall be executed in two copies and each executed copy shall have the same force and effect as if it were the original copy.

7. **Implementation**. The USGS EROS point of contact for administrative and technical issues and implementation is: John Faundeen, USGS EROS Archivist (605-594-6092). The NARA point of contact for administrative and technical issues and implementation is: Eileen Bolger, Rocky Mountain Region Archives Director (303-407-5700). It is understood that each point of contact is responsible for resolving issues, and may refer questions and concerns to other staff within the respective agencies.

In the event that either of the parties' respective points of contact change, the parties shall promptly notify one another in writing of such change.

8. **Effective Date, Modifications, Termination**. This MOU shall be effective upon the latest signature date of all parties, and shall remain in effect until terminated by either party upon 60 days written notice to the other party. The agreement may be modified by agreement of both parties.

9. **Funding.** All activities pursuant to this agreement are subject to the availability of appropriated or reimbursable funds, and no provision herein shall be interpreted to require obligation of payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. 1341. NARA and USGS will fund their own activities under this agreement. Any exchange of funds for specific services requested and provided by one agency to the other will be agreed to in writing in advance by the respective Administrative Points of Contact identified in Section 7. Funds will be transferred using the Interagency Funds Transfer process. This agreement is not a funding document and does not represent the obligation or transfer of funds. Each party agrees to assume liability for its own risks associated with activities undertaken in this agreement.

10. **Signatures**.

On behalf of the
U. S. Geological Survey:

Mark D. Myers — Date 6/13/08
Director, U.S. Geological Survey

On behalf of the National Archives
and Records Administration:

Allen Weinstein — Date 6/17/08
Archivist of the United States