

**§ 101702. Cooperative agreements**

(a) **TRANSFER OF SERVICE APPROPRIATED FUNDS.**—A cooperative agreement entered into by the Secretary that involves the transfer of Service appropriated funds to a State, local, or tribal government or other public entity, an educational institution, or a private nonprofit organization to carry out public purposes of a Service program is a cooperative agreement properly entered into under section 6305 of title 31.

(b) **COOPERATIVE RESEARCH AND TRAINING PROGRAMS.**—

(1) **IN GENERAL.**—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may—

(A) enter into cooperative agreements with public or private educational institutions, States, and political subdivisions of States to develop adequate, coordinated, cooperative research and training programs concerning the resources of the System; and

(B) pursuant to an agreement, accept from and make available to the cooperator technical and support staff, financial assistance for mutually agreed upon research projects, supplies and equipment, facilities, and administrative services relating to cooperative research units that the Secretary considers appropriate.

(2) **EFFECT OF SUBSECTION.**—This subsection does not waive any requirements for research projects that are subject to Federal procurement regulations.

(c) **SALE OF PRODUCTS AND SERVICES PRODUCED IN THE CONDUCT OF LIVING EXHIBITS AND INTERPRETIVE DEMONSTRATIONS.**—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may—

(1) sell at fair market value, without regard to the requirements of chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, products and services produced in the conduct of living exhibits and interpretive demonstrations in System units;

(2) enter into contracts, including cooperative arrangements, with respect to living exhibits and interpretive demonstrations in System units; and

(3) credit the proceeds from those sales and contracts to the appropriation bearing the cost of the exhibits and demonstrations.

(d) **COOPERATIVE AGREEMENTS FOR SYSTEM UNIT NATURAL RESOURCE PROTECTION.**—

(1) **IN GENERAL.**—The Secretary may enter into cooperative agreements with State, local, or tribal governments, other Federal agencies, other public entities, educational institutions, private nonprofit organizations, or participating private landowners for the purpose of protecting natural resources of System units through collaborative efforts on land inside and outside the System units.

(2) **TERMS AND CONDITIONS.**—A cooperative agreement entered into under paragraph (1) shall provide clear and direct benefits to System unit natural resources and—

(A) provide for—

(i) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(ii) preventing, controlling, or eradicating invasive exotic species that are within a System unit or adjacent to a System unit; or

(iii) restoration of natural resources, including native wildlife habitat or ecosystems;

(B) include a statement of purpose demonstrating how the agreement will—

(i) enhance science-based natural resource stewardship at the System unit; and

(ii) benefit the parties to the agreement;

(C) specify any staff required and technical assistance to be provided by the Secretary or other parties to the agreement in support of activities inside and outside the System unit that will—

(i) protect natural resources of the System unit; and

(ii) benefit the parties to the agreement;

(D) identify any materials, supplies, or equipment and any other resources that will be contributed by the parties to the agreement or by other Federal agencies;

(E) describe any financial assistance to be provided by the Secretary or the partners to implement the agreement;

(F) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to support the purposes of natural resource stewardship at a System unit; and

(G) include such other terms and conditions as are agreed to by the Secretary and the other parties to the agreement.

(3) **LIMITATIONS.**—The Secretary shall not use any funds associated with an agreement entered into under paragraph (1) for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary for the completion of projects or activities identified in the agreement.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3135.)

**HISTORICAL AND REVISION NOTES**

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101702(a) .....	16 U.S.C. 1g.	Pub. L. 104–208, div. A, title I, §101(d) [title I (3d undesignated par. under heading “ADMINISTRATIVE PROVISIONS” under heading “NATIONAL PARK SERVICE”)], Sept. 30, 1996, 110 Stat. 3009–189.
101702(b) .....	16 U.S.C. 1a–2 (matter before (a)). 16 U.S.C. 1a–2(j).	Pub. L. 91–383, § 3 (matter before (a)), Aug. 18, 1970, 84 Stat. 826. Pub. L. 91–383, § 3(j), as added Pub. L. 104–333, div. I, title VIII, § 818, Nov. 12, 1996, 110 Stat. 4201; Pub. L. 106–176, title I, § 118(5), Mar. 10, 2000, 114 Stat. 28.
101702(c) .....	16 U.S.C. 1a–2 (matter before (a)).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
	16 U.S.C. 1a-2(g).	Pub. L. 91-383, §3(g), Aug. 18, 1970, 84 Stat. 827; Pub. L. 104-333, div. I, title VII, §703, Nov. 12, 1996, 110 Stat. 4185; Pub. L. 106-176, title I, §118(1), (2), Mar. 10, 2000, 114 Stat. 28.
101702(d) .....	16 U.S.C. 1j(a) through (c).	Pub. L. 110-229, title III, subtitle A, §301(a) through (c), May 8, 2008, 122 Stat. 768.

In subsection (a), the word “Secretary” is substituted for “National Park Service” to reflect the transfer of functions of other officers, employees, and agencies of the Department of the Interior to the Secretary by sections 1 and 2 of Reorganization Plan No. 3 of 1950 (5 U.S.C. App.). The words “in fiscal year 1997 and thereafter” are omitted as obsolete. The words “for the public purpose of carrying out National Park Service programs” are omitted as unnecessary. The words “is a cooperative agreement properly entered into under section 6305 of title 31” are substituted for “pursuant to section 6305 of title 31” for clarity.

**§ 101703. Cooperative management agreements**

(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may enter into an agreement with a State or local government agency to provide for the cooperative management of the Federal and State or local park areas where a System unit is located adjacent to or near a State or local park area, and cooperative management between the Service and a State or local government agency of a portion of either the System unit or State or local park will allow for more effective and efficient management of the System unit and State or local park. The Secretary may not transfer administration responsibilities for any System unit under this paragraph.

(b) PROVISION OF GOODS AND SERVICES.—Under a cooperative management agreement, the Secretary may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local governmental agency in the cooperative management of land.

(c) ASSIGNMENT OF EMPLOYEE.—An assignment arranged by the Secretary under section 3372 of title 5 of a Federal, State, or local employee for work on any Federal, State, or local land or an extension of the assignment may be for any period of time determined by the Secretary and the State or local agency to be mutually beneficial.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3136.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101703 .....	16 U.S.C. 1a-2 (matter before (a)).	Pub. L. 91-383, §3 (matter before (a)), Aug. 18, 1970, 84 Stat. 826.
	16 U.S.C. 1a-2(i).	Pub. L. 91-383, §3(i), as added Pub. L. 105-391, title VIII, §802(a), Nov. 13, 1998, 112 Stat. 3523.

**§ 101704. Reimbursable agreements**

(a) IN GENERAL.—In carrying out work under reimbursable agreements with any State, local,

or tribal government, the Secretary, without regard to any provision of law or a regulation—

- (1) may record obligations against accounts receivable from those governments; and
- (2) shall credit amounts received from those governments to the appropriate account.

(b) WHEN AMOUNTS SHALL BE CREDITED.—Amounts shall be credited within 90 days of the date of the original request by the Service for payment.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3137.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101704 .....	16 U.S.C. 1i.	Pub. L. 108-7, div. F, title I (proviso in last undesignated par. under heading “ADMINISTRATIVE PROVISIONS” under heading “NATIONAL PARK SERVICE”), Feb. 20, 2003, 117 Stat. 227.

The words “Heretofore and hereafter” and “section 1341 of title 31 or” are omitted as unnecessary

**CHAPTER 1019—CONCESSIONS AND COMMERCIAL USE AUTHORIZATIONS**

SUBCHAPTER I—AUTHORITY OF SECRETARY

Sec.

101901. Utility services.

SUBCHAPTER II—COMMERCIAL VISITOR SERVICES

- 101911. Definitions.
- 101912. Findings and declaration of policy.
- 101913. Award of concession contracts.
- 101914. Term of concession contracts.
- 101915. Protection of concessioner investment.
- 101916. Reasonableness of rates and charges.
- 101917. Franchise fees.
- 101918. Transfer or conveyance of concession contracts or leasehold surrender interests.
- 101919. National Park Service Concessions Management Advisory Board.
- 101920. Contracting for services.
- 101921. Multiple contracts within a System unit.
- 101922. Use of nonmonetary consideration in concession contracts.
- 101923. Recordkeeping requirements.
- 101924. Promotion of sale of Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts.
- 101925. Commercial use authorizations.
- 101926. Regulations.

SUBCHAPTER I—AUTHORITY OF SECRETARY

**§ 101901. Utility services**

To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may furnish, on a reimbursement of appropriation basis, all types of utility services to concessioners, contractors, permittees, or other users of the services, within the System. The reimbursements for cost of the services may be credited to the appropriation current at the time reimbursements are received.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3137.)