

for the provision solely of transportation services in a System unit shall be not more than 10 years in length, including a base period of 5 years and annual extensions for up to an additional 5 years based on satisfactory performance and approval by the Secretary.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3134.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101524	16 U.S.C. 5961(a).	Pub. L. 105-391, title IV, §412(a), Nov. 13, 1998, 112 Stat. 3514; Pub. L. 106-113, div. B, §1000(a)(3) [title I, §143(1)], Nov. 29, 1999, 113 Stat. 1535, 1501A-171.

SUBCHAPTER IV—FEES

§ 101531. Fee for use of transportation services

Notwithstanding any other provision of law, where the Service or an entity under a service contract, cooperative agreement, or other contractual agreement with the Service provides transportation to all or a portion of any System unit, the Secretary may impose a reasonable and appropriate charge to the public for the use of the transportation services in addition to any admission fee required to be paid. Collection of the transportation and admission fees may occur at the transportation staging area or any other reasonably convenient location determined by the Secretary. The Secretary may enter into agreements, with public or private entities that qualify to the Secretary's satisfaction, to collect the transportation and admission fee. Transportation fees collected pursuant to this section shall be retained by the System unit at which the transportation fee was collected, and the amount retained shall be expended only for costs associated with the transportation systems at the System unit where the charge was imposed.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3134.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101531	16 U.S.C. 5981.	Pub. L. 105-391, title IV, §501, Nov. 13, 1998, 112 Stat. 3518; Pub. L. 109-131, title I, §102(b), Dec. 20, 2005, 119 Stat. 2568.

CHAPTER 1017—FINANCIAL AGREEMENTS

Sec.

- 101701. Challenge cost-share agreement authority.
- 101702. Cooperative agreements.
- 101703. Cooperative management agreements.
- 101704. Reimbursable agreements.

§ 101701. Challenge cost-share agreement authority

(a) DEFINITIONS.—In this section:

(1) CHALLENGE COST-SHARE AGREEMENT.—The term “challenge cost-share agreement” means any agreement entered into between the Secretary and any cooperator for the purpose of sharing costs or services in carrying out authorized functions and responsibilities of the Secretary with respect to any System unit or

System program, any affiliated area, or any designated national scenic trail or national historic trail.

(2) COOPERATOR.—The term “cooperator” means any State or local government, public or private agency, organization, institution, corporation, individual, or other entity.

(b) AUTHORITY TO ENTER INTO CHALLENGE COST-SHARE AGREEMENTS.—The Secretary may negotiate and enter into challenge cost-share agreements with cooperators.

(c) SOURCE OF FEDERAL SHARE.—In carrying out challenge cost-share agreements, the Secretary may provide the Federal funding share from any funds available to the Service.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3134; Pub. L. 113-40, §10(c), Oct. 2, 2013, 127 Stat. 546.)

AMENDMENT NOT SHOWN IN TEXT

This section was derived from section 1f of Title 16, Conservation, which was amended by Pub. L. 113-40, §10(c), Oct. 2, 2013, 127 Stat. 546. For applicability of that amendment to this section, see section 6(b) of Pub. L. 113-287, set out as a Transitional and Savings Provisions note preceding section 100101 of this title. Former section 1f of Title 16, which consisted of pars. (1) to (3) [restated in this section as subsecs. (a) to (c)], was amended by Pub. L. 113-40 by adding at the end the following new paragraphs:

“(4) AVAILABLE FUNDS.—Out of any amounts in the Treasury not otherwise appropriated, \$20,000,000 shall be made available to the Secretary of the Interior for fiscal year 2018, and \$30,000,000 shall be made available to the Secretary of the Interior for fiscal year 2019, without further appropriation and to remain available until expended, to pay the Federal funding share of challenge cost-share agreements for deferred maintenance projects and to correct deficiencies in National Park Service infrastructure.

“(5) COST-SHARE REQUIREMENT.—Not less than 50 percent of the total cost of project for funds made available under paragraph (4) to pay the Federal funding share shall be derived from non-Federal sources, including in-kind contribution of goods and services fairly valued.”

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101701	16 U.S.C. 1f.	Pub. L. 104-333, div. I, title VIII, §814(g), Nov. 12, 1996, 110 Stat. 4199.

§ 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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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)). 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 sec-

tion 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

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

Statutory Notes and Related Subsidiaries

AUTHORIZING COOPERATIVE MANAGEMENT AGREEMENTS BETWEEN THE DISTRICT OF COLUMBIA AND THE SECRETARY OF THE INTERIOR

Pub. L. 116–9, title II, § 2403, Mar. 12, 2019, 133 Stat. 747, provided that: “The Secretary [of the Interior] may enter into a cooperative management agreement with the District of Columbia in accordance with section 101703 of title 54, United States Code.”

§ 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

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101913. Award of concession contracts.
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Editorial Notes

CODIFICATION

Pub. L. 114–289, title VII, § 701, Dec. 16, 2016, 130 Stat. 1492, added subchapter III of this chapter without corresponding amendment of chapter analysis. For analysis of subchapter III, see table of sections set out preceding section 101931 of this title.

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.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101901	16 U.S.C. 1b (matter before (1)).	Aug. 8, 1953, ch. 384, § 1 (matter before (1)), (4), 67 Stat. 495; Pub. L. 91–383, § 2(a), Aug. 18, 1970, 84 Stat. 826.