

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, except 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 an eligible entity managing lands and waters located near a System unit to provide for cooperative management of either a System unit or the lands and waters located near a System unit to promote more effective and efficient management of a System unit. The Secretary may not transfer administration responsibilities for any System unit under this paragraph.¹

(b) PROVISION OF GOODS AND SERVICES.—

(1) IN GENERAL.—Under a cooperative management agreement, the Secretary may acquire by purchase, donation, or exchange from and provide to an eligible entity on a reimbursable basis goods and services to be used by the Secretary or the eligible entity in the cooperative management of land and waters.

(2) RETENTION OF FUNDS.—Reimbursements received under this section may be credited to the appropriation current at the time reimbursements are received.

(c) CO-LOCATION.—Under the cooperative management agreement, the Secretary and an eligible entity may co-locate in offices and facilities owned or leased by either party.

(d) EMPLOYEES.—

(1) ASSIGNMENT OF EMPLOYEE.—The Secretary may arrange an assignment under section 3372 of title 5 of a Federal employee or an employee of an eligible entity as mutually agreed upon, for work on any Federal, State, local, or Tribal land.

(2) EXTENSION OF ASSIGNMENT.—The assignment provided in paragraph (1) may be extended for any period of time determined by the Secretary and the eligible entity to be mutually beneficial.

(e) DEFINITIONS.—In this section—

(1) ELIGIBLE ENTITY.—The term “eligible entity” means a State or local entity or any political subdivision thereof, or an Indian Tribe or Tribal organization.

(2) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

(3) STATE.—The term “State” means each of the several States, the District of Columbia, and each territory of the United States.

(4) TRIBAL ORGANIZATION.—The term “Tribal organization” has the meaning given the term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(l)).

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3136; Pub. L. 118–234, title I, §152, Jan. 4, 2025, 138 Stat. 2867.)

¹ So in original. Probably should be “this subsection”.