

1 **DIRECTOR’S ORDER #20: AGREEMENTS**

2 **Approved:** _____
3 Director

4 **Effective Date:** _____

5 **Duration:** Until amended, superseded, or rescinded

6 This Director’s Order (Order) supersedes and replaces the previous edition issued on July 23,
7 2003. Together with the information provided in Reference Manual 20 (RM-20), it supersedes
8 and replaces Policy Memorandum 08-01 and any other conflicting policy or guidance.

9 **Contents:**

- | | |
|---|--|
| 1. Background and Purpose | 4.2 Non-Federal Reimbursable Service Agreements |
| 1.1 Background | 4.3 Financial Assistance Agreements |
| 1.2 Purpose | 4.4 Cooperative Management Agreements |
| 1.3 Implementation Responsibilities | 4.5 General Agreements |
| 2. Authorities | 4.6 Funding Agreements with Self-Governance Tribes |
| 2.1 Authority for this Director’s Order | 5. Related Sources of Guidance |
| 2.2 Authorities for Agreements | 5.1 Director’s Orders with Specific Agreement Types or Other Legal Instruments |
| 3. Agreements and Other Legal Instruments | 5.2 NPS Management Policies |
| 3.1 Agreements and Other Legal Instruments Issued by the NPS | 5.3 Other Specialized Agreement Types |
| 3.2 Agreements and Other Legal Instruments Issued by Other Entities | |
| 4. Agreements Subject to this Director’s Order | |
| 4.1 Federal Intragovernmental Agreements | |

10 **1. Background and Purpose**

11 **1.1 Background**

12 The National Park Service (NPS) develops relationships with a broad and diverse range of
13 entities—other Federal agencies, Tribal, State, and local governments, organizations, and
14 individuals—to help fulfill its mission. Through these relationships, the NPS gives and receives
15 valuable assistance to carry out its mandated responsibilities for managing the National Park
16 System and administering conservation, preservation and recreation programs that benefit people
17 and communities across the Nation.

18 The NPS formalizes relationships through agreements and other legal instruments. A variety of
19 options are available for NPS use; the decision about which agreement or legal instrument to use
20 is based on law, regulation, and policy, as well as the purpose of a relationship. Efficient and
21 effective use of these options allows the NPS to accomplish more than it can alone. Thus,
22 NPS managers and employees should (1) have a general understanding of the available types of
23 agreements and other legal instruments that can be used to establish formal relationships with

24 other entities; (2) use the most appropriate or applicable agreement or other legal instrument for
25 a particular relationship; and (3) ensure the proper level of review, approval, and signature.

26 **1.2 Purpose**

27 The purpose of this Order is to:

- 28 • identify and describe some of the different types of agreements the NPS may enter into
29 with Federal and non-Federal entities;
- 30 • provide information about how to select the agreement type that best fits the purpose of a
31 relationship; and
- 32 • explain the roles and responsibilities of NPS managers and employees for preparing,
33 reviewing, and approving each agreement type.

34 NPS employees should use this Order in tandem with RM-20, which provides comprehensive
35 guidance, agreement templates, procedures, and other information for selecting, developing, and
36 using agreements.

37 This Order contains guidance for agreement types that are not covered by another Director's
38 Order. Section 5 lists Director's Orders and other policies that contain guidance for some
39 subject-specific agreement types and legal instruments the NPS uses to form relationships with
40 other entities. It gives NPS employees more resources to consider using to authorize, describe,
41 and manage activities with other entities.

42 **1.3 Implementation Responsibilities**

43 The Associate Director, Business Services has the lead responsibility for implementing and
44 providing technical support for this Order, which includes:

- 45 • coordinating the development, issuance, and updating of RM-20, and
- 46 • providing advisory services and making instrument type recommendations when multiple
47 options are available, and the path forward is not clear.

48 Except where explicitly stated, the Associate Director does not have operations, policy, or
49 oversight responsibility for the agreements and legal instruments in this Order.

50 **2. Authorities**

51 **2.1 Authority for this Director's Order**

52 Authority to issue this Order is contained in the National Park Service Organic Act and other
53 NPS laws ([54 USC 100101](#) *et seq.*), and delegations of authority contained in [Part 245](#) of the
54 Department of the Interior (DOI) Manual.

55 This Order is intended only to improve the internal management of the NPS and is not intended
56 to, and does not, create any right or benefit, substantive or procedural, enforceable as law or
57 equity by a party against the United States, its departments, agencies, instrumentalities or
58 entities, its officers or employees, or any other person.

59 **2.2 Authorities for Agreements**

60 Different statutory authorities govern the use of the different types of agreements discussed in
61 this Order. The agreement types and the associated authority or authorities that must be cited for
62 their use are discussed in more detail in section 4. There may be circumstances when separate
63 authorization exists that would cause the noted citation not to be used. The responsible
64 directorate should be consulted to discuss alternate authorities.

65 It is important not to confuse “agreement type” with “authority” since these terms are not always
66 synonymous. For example, Intragovernmental Agreements (the agreement type) may be entered
67 into under several different legal authorities, such as the “Economy Act” or the “Reciprocal Fire
68 Protection” authority (the authority). These agreements should not be called Economy Act
69 Agreements or Reciprocal Fire Protection Agreements; they are Intragovernmental Agreements.
70 In other instances, such as Cooperative Management Agreements, the agreement type and
71 authority have the same name: Cooperative Management. (See section 4.1 for details about
72 Intragovernmental Agreements; see section 4.4 for details about Cooperative Management
73 Agreements and the Cooperative Management authority.)

74 **3. Agreements and Other Legal Instruments**

75 **3.1 Agreements and Other Legal Instruments Issued by the NPS**

76 When establishing a formal relationship with another entity, the NPS should identify (1) the
77 purpose of the relationship, (2) the activities to be undertaken by each entity, and (3) the other
78 entity’s organizational and legal status (for example, a nonprofit corporation or a local
79 government agency) to help select the agreement type or legal instrument most suitable for
80 formalizing the relationship.

81 This Order is specific to the following types of agreements:

- 82 1. Federal Intragovernmental Agreements
- 83 2. Non-Federal Reimbursable Service Agreements
- 84 3. Financial Assistance Agreements (Cooperative Agreements and Grant Agreements)
- 85 4. Cooperative Management Agreements
- 86 5. General Agreements (Memorandum of Understanding or Memorandum of Agreement)
- 87 6. Funding Agreements with a Self-Governance Tribe

88 Refer to section 5 for policies on agreement types and legal instruments that are outside the
89 scope of this Order.

90 **3.2 Agreements and Other Legal Instruments Issued by Other Entities**

91 The NPS may enter into agreements and legal instruments issued by other entities. There is no
92 requirement for other entities to adopt the form of an NPS agreement template, particularly for a
93 relationship that is related to another entity’s land or facility. Further, the issuing entity is
94 responsible for naming the document. In situations where it is preferable for the NPS to enter
95 into an agreement or other legal instrument authored by another entity, an NPS subject matter
96 expert in the appropriate regional office or Washington Support Office (WASO) must review the
97 document and coordinate with the Office of the Solicitor to ensure the document contains the
98 required NPS provisions and is legally sufficient.

99 **4. Agreements Subject to this Director’s Order**

100 This Order describes six different agreement types. Some are more business-oriented and focus
101 on a transaction, while others are more partnership-oriented and focus on a relationship. Some
102 of the agreement types were created through legislation for a defined purpose and use, while
103 others are less prescribed. Some of the agreement types may have a specific legal authority or
104 authorities that must be cited when using that agreement type, while others have more latitude.
105 Finally, different agreement types refer to the other entity using different terminology. For
106 example, a General Agreement may refer to the non-NPS entity as a “Partner,” a Cooperative
107 Agreement may refer to the non-NPS entity as a “Recipient,” and an Intragovernmental
108 Agreement may refer to the non-NPS entity as a “Servicing Entity,” a “Requesting Entity,” or a
109 “Trading Partner.”

110 This Order also notes other names that may be applicable to a particular agreement type and
111 promotes consistent and correct usage of agreement terminology.

112 Each type of agreement has a specific purpose and is for a particular kind of relationship. In
113 certain multi-faceted relationships with a single partner, the NPS may need to enter into more
114 than one agreement or legal instrument to properly authorize different aspects of the relationship.

115 RM-20 goes into more detail about legal authorities, agreement names, approval authority, and
116 other information specific to the use of each agreement type.

117 **4.1 Federal Intragovernmental Agreements**

118 **4.1.1 Description**

119 DOI uses the term “Intragovernmental Agreement” to refer to a written agreement where Federal
120 entities exchange funds for personnel, property, services, or make other financial commitments
121 or obligations. An Intragovernmental (IGT) agreement may be formed between two or more
122 Federal entities (such as between the NPS and United States Postal Service), which includes
123 entities within the same Department (such as between the NPS and the United States Geological
124 Survey).

125 These written arrangements specify the goods and services (such as personnel and property) one
126 Federal entity (the servicing entity) will furnish to support the other (the requesting entity). The
127 servicing entity is often called the seller, and the requesting entity is often called the buyer.
128 Collectively, the two parties are known as trading partners.

129 IGT agreements can be referred to in many ways, including:

- 130 1. Inter-Agency Agreements
- 131 2. Intra-Agency Agreements
- 132 3. Intra-DOI Agreement
- 133 4. Reimbursable Service Agreement
- 134 5. Reimbursable Interagency Agreement
- 135 6. Reimbursable Support Agreement
- 136 7. Reimbursable Work Agreement
- 137 8. Assisted Acquisitions
- 138 9. Inter- or Intra-Agency Travel Agreement

139 **4.1.2 Purpose and Use**

140 An IGT agreement creates a fiscal obligation between Federal entities. It delineates (1) specific
141 product requirements, or service requirements, or both; (2) funding information for both trading
142 partners; and (3) officials authorized to obligate or receive the funding. The NPS can serve in
143 either the servicing or requesting role. As the servicing entity, the NPS will create a sales order
144 to manage the provision of goods, or services, or both per the terms of the agreement. As the
145 requesting entity, the NPS will record an obligation of funds for the agreed-upon amount in the
146 agreement.

147 **4.1.3 Eligible Entities**

148 Entities eligible for IGT agreements include Federal agencies or entities and other DOI bureaus
149 if an applicable authority exists. IGT agreements should not be used within the NPS—Intra-NPS
150 agreements should be used to define relationships between two or more NPS organizational
151 entities (see section 5.3, Intra-NPS Agreements).

152 **4.1.4 Statutory Authority**

153 All IGT agreements require legal authorization—such as a Federal statute—to enter into the
154 agreement. The legal authorization may limit the types of IGT agreements, trading partners,
155 allowable activities, or length of funds availability.

156 The authority most applicable to a specific IGT agreement should be cited and must be agreed
157 upon by both trading partners. See RM-20 for common examples.

158 Finally, the servicing Federal agency or bureau may have separate program authority that allows
159 it to provide products or services. It is not common for the NPS to cite a program authority, but
160 it is common for trading partners who sell to the NPS to cite a program authority. This should
161 not be confused with the statutory authority mentioned above. The statutory authority serves as
162 the single authority that allows the servicing agency to provide reimbursable goods or services
163 and the requesting agency to receive them. The program authority should only be used to
164 supplement the statutory authority. When there is a conflict between the statutory authority and
165 the program authority, the statutory authority governs.

166 **4.1.5 Roles and Responsibilities**

167 The Comptroller and the Associate Director, Business Services, are delegated oversight authority
168 for IGT agreements.

169 **4.1.6 Signature Authority**

170 When the NPS is the requesting agency and is obligating funds, the authorized approving official
171 is identified in policies such as the Miscellaneous Obligations Policy, the DOI Policy Addendum
172 on IAAs and IDAs, or other NPS and DOI policies. When the NPS is the servicing agency, NPS
173 officials at various levels may have signature authority to accept the terms of an agreement on
174 behalf of the NPS. RM-20 provides more guidance on signature authority.

175 **4.1.7 Examples of Appropriate Uses of This Agreement Type**

- 176 • NPS acquisition of scientific services for vegetation modeling, dam modeling data
177 analysis, stream gauge monitoring, or mapping geology from the United States
178 Geological Survey
- 179 • Bureau of Reclamation acquisition of historic preservation services from the NPS
- 180 • NPS acquisition of forestry services from the United States Forest Service (USFS)
- 181 • Bureau of Land Management (BLM) acquisition of trail construction services from the
182 NPS
- 183 • NPS acquisition of road construction services from the United States Department of
184 Transportation Federal Highway Administration
- 185 • employee-related (including awards, labor, travel, and training)
 - 186 ▪ NPS reimbursement to the BLM for the cost of attendance by one or two NPS
187 employees at BLM-hosted training
 - 188 ▪ USFS reimbursement to the NPS for labor and travel costs for NPS employee(s) who
189 offer subject matter expertise on a USFS project
- 190 • emergency services provided or received by the NPS
- 191 • transportation provided or received by the NPS
- 192 • property and facilities provided or received by the NPS

193 **4.2 Non-Federal Reimbursable Service Agreements**

194 **4.2.1 Description**

195 A non-Federal reimbursable service agreement is a bilateral agreement between the NPS (the
196 servicing entity) and a non-Federal entity (the requesting entity) in which the NPS provides
197 goods, or services, or both. These types of agreements may also be referred to as:

- 198 1. Reimbursable Service Agreements
- 199 2. Reimbursable Support Agreements
- 200 3. Reimbursable Order

201 **4.2.2 Purpose and Use**

202 Unlike IGT agreements, reimbursable service agreements are with non-Federal entities such as
203 State, Tribal, or local governments. Reimbursable service agreements allow the NPS to receive
204 funds from a non-Federal requesting entity in exchange for goods, or services, or both. When
205 the NPS is authorized to enter into a non-Federal reimbursable service agreement, the NPS and
206 the non-Federal requesting entity must process and recover reimbursable costs related to work
207 performed under these agreements. Unless otherwise authorized by statute, the NPS must be
208 paid before it provides goods or services agreed to under an approved agreement.

209 **4.2.3 Eligible Entities**

210 Non-Federal entities, as indicated in the specific legal authority cited, are eligible for non-
211 Federal reimbursable service agreements.

212 **4.2.4 Statutory Authority**

213 There are several statutory authorities that allow the NPS to enter into non-Federal reimbursable
214 service agreements. Two authorities in common use by the NPS are:

- 215 • [31 USC 6505](#) (Authority to provide specialized or technical services) allows the Federal
216 Government to receive payment for services provided to State and local governments; and
- 217 • [42 USC 1856a](#) (Authority to enter into reciprocal agreement; waiver of claims;
218 reimbursement; ratification of prior agreements) allows the Federal Government to enter
219 into reciprocal agreements to provide fire protection.

220 See RM-20 for a detailed list of other examples. In addition, there may be authorities specific to
221 the associated activity or a park’s enabling legislation that should be cited if applicable.

222 **4.2.5 Roles and Responsibilities**

223 The Comptroller and the Associate Director, Business Services, are delegated oversight authority
224 for non-Federal reimbursable service agreements.

225 **4.2.6 Signature Authority**

226 NPS officials, at different levels of the organization, have signature authority to accept the terms
227 of a non-Federal reimbursable service agreement. RM-20 provides more guidance on signature
228 authority.

229 **4.2.7 Examples of Appropriate Uses of this Agreement Type**

- 230 • employee-related (such as labor and travel)
- 231 • emergency services (such as fire or emergency support, vehicles, and supplies)
- 232 • transportation services
- 233 • shared services (such as utility services)
- 234 • professional services (such as cultural services or studies)

235 **4.3 Financial Assistance Agreements**

236 **4.3.1 Description**

237 Financial Assistance (FA) agreements, sometimes referred to as Federal Financial Assistance
238 agreements, transfer something of value from a Federal agency to a recipient organization to
239 accomplish a public purpose.

240 The NPS uses two common types of FA agreements:

- 241 1. Cooperative Agreement—substantial involvement between the awarding agency, acting
242 for the Federal Government, and the recipient is expected during the performance of the
243 associated activity. Cooperative agreements may be awarded as “stand-alone”
244 agreements or “master” agreements. Stand-alone cooperative agreements are used when
245 only one project is anticipated. Master cooperative agreements are used to carry out a
246 broad scope of public purpose objectives when multi-year funding is anticipated for more
247 than one project. Task agreements are used to authorize work and obligate funds of a
248 project that falls within the broad scope of an active master cooperative agreement.
- 249 2. Grant Agreement—no substantial involvement by the awarding agency is anticipated.

250 **4.3.2 Purpose and Use**

251 The principal purpose of any financial assistance relationship formed through a cooperative
252 agreement or grant agreement is the transfer of something of value, such as money, property, or
253 services, to a recipient organization to accomplish a public purpose of support or stimulation
254 authorized by Federal statute. They are not used to acquire property or services for the direct
255 benefit or use of the Federal Government. The most common forms of financial assistance the
256 NPS provides to recipient organizations include the transfer of funding, use of NPS property, and
257 technical expertise of NPS personnel. All forms of financial assistance must comply with public
258 purpose and substantial involvement requirements and with the associated legal authorization.
259 Financial assistance agreements cannot be used to circumvent other legal instruments or permits
260 that would otherwise be required.

261 **4.3.3 Eligible Entities**

262 Legal authorities for the use of the FA agreement, and the associated Assistance Listings at
263 www.SAM.gov, define the types of eligible entities. Most NPS FA agreements are with
264 nonprofit organizations, institutes of higher education, and State, Tribal, and local governments.

265 **4.3.4 Statutory Authority**

266 The Federal Grant and Cooperative Agreement Act of 1977 ([31 USC Chapter 63](#)) establishes the
267 parameters for Federal financial assistance by defining grants and cooperative agreements as
268 separate legal instruments from contracts. The substantive difference is that while contracts are
269 awarded for the purchase of goods and services that directly benefit the government, the Federal
270 Government awards grants and cooperative agreements to provide financial assistance for a
271 public purpose.

272 All FA agreements also require specific NPS legal authority—such as an applicable Federal
273 statute or language in an appropriations law—to enter into the agreement. The legal authority
274 may limit or expand the types of FA agreements, recipient organization types, and allowable
275 activities for the associated agreements. Authorities specific to other DOI bureaus or Federal
276 agencies cannot be used. See RM-20 for a list of authorities for NPS FA agreements.

277 **4.3.5 Roles and Responsibilities**

278 The Associate Director, Business Services is delegated oversight authority for FA agreements.

279 **4.3.6 Signature Authority**

280 NPS Financial Assistance Awarding Officers have the authority to sign FA agreements.

281 **4.3.7 Examples of Appropriate Uses of this Agreement Type**

- 282 • Cooperative Ecosystem Studies Units (CESU) Cooperative and Task Agreements
- 283 • 21st Century Conservation Service Corps (21CSC) Youth Master Cooperative
- 284 Agreements and Task Agreements
- 285 • Land and Water Conservation Fund State Assistance Grants
- 286 • Property Use as Financial Assistance Cooperative Agreements

287 **4.4 Cooperative Management Agreements**

288 **4.4.1 Description**

289 A Cooperative Management Agreement (CMA) is the instrument by which the NPS, under such
290 terms and conditions it considers advisable, may document an agreement for cooperative
291 management of adjacent or nearby park areas. CMAs are limited to relationships with State or
292 local government agencies for the cooperative management of a National Park System unit
293 (System unit) and an adjacent or nearby State or local park area to allow for more effective and
294 efficient management of both. To further cooperative management of the System unit and the
295 State or local park area, employees may be assigned to work on Federal, State, or local land
296 under [5 USC 3372](#), but the Secretary may not transfer administrative responsibilities for any
297 System unit.

298 CMAs do not authorize co-management of Federal lands. In a CMA between the NPS and a
299 State or local government, Federal decision making remains with the NPS. If there appears to be
300 an overlap between the CMA authority and any park-specific cooperative management authority,
301 the superintendent of the affected park should consult with the Office of the Solicitor for
302 direction.

303 **4.4.2 Purpose and Use**

304 The purpose of a CMA is to facilitate the administration of a System unit and to allow for more
305 effective and efficient management of the System unit and nearby State or local parks. To
306 support these goals, the terms of a CMA may include provisions for the NPS to acquire from and
307 provide to a State or local government agency goods and services to be used in the cooperative
308 management of adjacent or nearby Federal and State or local park areas.

309 There are three ways in which goods and services can be acquired or provided under a CMA:

- 310 1. **No funds are exchanged between the parties:** The NPS pays for the goods or services
311 it provides (such as snow removal at both the System unit and State or local park area),
312 and the State or local government agency pays for the goods or services it provides (such
313 as grass mowing at the System unit and State or local park area). In these cases, the
314 terms of the CMA should describe the services provided.
- 315 2. **The NPS provides funding to State or local park area:** The NPS may transfer funds to
316 a State or local government agency park area to acquire goods and services provided by a
317 State or local park manager. For example, the NPS pays a State or local government
318 agency for trail maintenance of both Federal and State or local trails that traverse the
319 System unit and the State or local park area. The CMA must specify the services to be
320 provided and the amounts the System unit expects to expend for such services.
- 321 3. **State or local park area provides funding to NPS:** A State or local government agency
322 may transfer funds to the NPS to accomplish work in the System unit and the adjacent or
323 nearby State or local park area. For example, the State or local government agency pays
324 the NPS for invasive species management in both the System unit and the State or local
325 park area. The NPS may only retain funding under the CMA when transfer of funds is
326 explicitly stated as a term or condition of the agreement and clearly tied to the specific
327 goods and services being provided.

328 **4.4.3 Eligible Entities**

329 Entities eligible for CMAs include any State or local government agency that manages a State or
330 local park area adjacent to or near a System unit. This definition is inclusive of other
331 government entities, such as counties, that may have and provide similar services.

332 Unless separately authorized, CMAs may not be used with Tribal governments as they are not
333 considered State or local governments.

334 **4.4.4 Statutory Authority**

335 The general CMA authority is [54 USC 101703](#) (Cooperative Management Agreements).
336 However, some System units may have their own park-specific authorities.

337 **4.4.5 Roles and Responsibilities**

338 The Comptroller and the Associate Director, Business Services, are delegated oversight
339 responsibility for CMAs that involve the transfer of funds to or from the NPS.

340 **4.4.6 Signature Authority**

341 An associate director or regional director, or their designee, must sign a CMA for a System unit
342 or NPS program within a particular region using the general CMA authority. A superintendent's
343 or program manager's signature is recommended for CMAs specific to a park unit or program.

344 **4.5 General Agreements**

345 **4.5.1 Description**

346 A General Agreement (GA) defines the relationship between the parties and describes the mutual
347 understandings, and sometimes the specific responsibilities, of the parties to the agreement. GAs
348 can list shared, common goals as well each party's specific responsibilities and activities, which
349 often include topics such as communication, collaboration, and cooperation.

350 Although other Federal and non-Federal entities and individuals often use Memorandum of
351 Understanding (MOU) and Memorandum of Agreement (MOA) for this type of agreement, the
352 NPS uses General Agreement. There is no legal difference between a GA, an MOU, or an
353 MOA. If requested by another entity, and if it is appropriate for the type of relationship, the NPS
354 may use the title MOU or MOA, instead of GA. Regardless of the name, this type of agreement
355 cannot be used to authorize an exchange of legal liability or the transfer of funds to, or the
356 receipt of funds from, another entity.

357 **4.5.2 Purpose and Use**

358 A GA may be used when the NPS chooses to document or formalize a relationship with another
359 entity to achieve shared objectives. However, a GA is not *required* to engage in a relationship
360 with another entity. GAs can be used to document a wide range of activities that help fulfill the
361 NPS mission, but the range of uses for a GA is narrower than what was described under the
362 previous edition of this Order.

363 Under the previous edition of this Order, the term “General Agreement” could be applied to any
364 agreement not defined as a cooperative agreement or an IGT agreement. It gave examples, such
365 as agreements with Friends groups, fundraising agreements, cooperating association agreements,
366 law enforcement assistance agreements, and programmatic agreements with other Federal
367 agencies. Over time, the NPS has updated other Director’s Orders and the associated Level 3
368 guidance (reference manuals, handbooks, and other materials) or has issued other policy
369 documents with guidance for use of subject-specific agreements or other legal instruments when
370 separately authorized. For example, Director’s Order #21 and RM-21 contain guidance and
371 agreement templates for philanthropic partnerships, and Director’s Order #32 and RM-32 contain
372 guidance for standard cooperating association agreements. DOI and the Federal Emergency
373 Management Agency issue much of the guidance for agreements about law enforcement and
374 emergency services programs and activities. Some agreements for historic or cultural resource
375 preservation are developed and named based on direction found in law (such as section 106 of
376 the National Historic Preservation Act). Any agreements defined in other Director's Orders are
377 considered to be specific to that policy subject; they are not GAs as defined in this Order.

378 GAs should not substitute more appropriate agreements or other legal instruments. The NPS
379 should use the agreement or legal instrument that is most suitable for the activities and entities
380 involved, which may or may not be a GA. It is important to consider (1) the type of entity, (2)
381 the purpose of the relationship, and (3) the authority of each party to enter the relationship.

382 This is especially important when the relationship has a “property use” element. Authorizing
383 another entity to use Federal property (land, facilities, equipment, supplies, materials) is usually
384 not handled via a GA. A limited amount of property use may be an acceptable element of a GA
385 to support the broader (and main purpose) of the relationship being formalized in the agreement.
386 But property use cannot be the primary purpose of a GA.

387 When renewing an existing GA (or MOU or MOA), the NPS should evaluate all applicable
388 agreement types and other legal instruments and select the one most suitable for documenting
389 and managing the relationship going forward. If a GA, MOU, or MOA was used before, but
390 there is a more appropriate agreement or legal instrument now, the NPS should replace the GA,
391 MOU, or MOA with the proper agreement or legal instrument on an appropriate schedule.

392 Section 5.1 lists Director’s Orders that contain guidance about subject-specific agreements and
393 other legal instruments that may be more appropriate to use than a GA. Regional office and
394 WASO subject matter experts can provide guidance about their names, uses, and levels of review
395 and approval.

396 **4.5.3 Eligible Entities**

397 All entity types are eligible for GAs. However, they should not be used within the NPS. In such
398 cases, Intra-NPS agreements should be used to define relationships between two or more NPS
399 organizational entities.

400 **4.5.4 Statutory Authority**

401 There is no specific statutory authority for GAs. The NPS enters into GAs under the general
402 authority of the Organic Act ([54 USC 100101\(a\) et seq.](#)), which authorizes the NPS to take
403 actions that further the NPS mission.

404 **4.5.5 Roles and Responsibilities**

405 The Deputy Director, Management and Administration, or their designee, is responsible for
406 defining GA roles and responsibilities by specific activities and situations.

407 Since the need for GAs is wide-ranging, associate, assistant, and regional directors should
408 establish a review process or standard operating procedures that identify signature authority and
409 when the Office of the Solicitor should or must review GA content to ensure it is appropriate.

410 **4.5.6 Signature Authority**

411 Regional directors, or their designees, must sign GAs for park units or regional program areas
412 under their purview. Superintendents or program managers should also sign GAs specific to the
413 park unit(s) or program(s) they manage. The responsible associate or assistant director or their
414 designees must sign any GA for an NPS program managed by a WASO directorate.

415 **4.5.7 Examples of Appropriate Uses of this Agreement Type**

416 GAs are written for case-specific situations. Examples of acceptable uses may be found in RM-
417 20; new and varied examples will be added as they are created.

418 **4.6 Funding Agreements with Self-Governance Tribes**

419 **4.6.1 Description**

420 The Indian Self-Determination and Education Assistance Act of 1975 (ISDEAA; [25 USC 5301](#)
421 [et seq.](#)) responded to Tribal demands for self-determination in education and other Federal
422 services to Indian communities. For NPS purposes, the most important section of the act is Title
423 IV (Tribal Self-Governance), which authorizes funding agreements with self-governance Tribes.
424 Through these agreements, a self-governance Tribe can administer a non-Bureau of Indian
425 Affairs (BIA) program, service, function, or activity administered by DOI, including those of
426 special geographic, historical, or cultural significance to the Tribe. The appropriate name for this
427 type of agreement is Self-Governance Funding Agreement or Funding Agreement.

428 Funding agreements may be inaccurately referred to as “compacts” or “638” agreements. These
429 are direct references to Title I of the ISDEAA and to “compacts” or contracts,” as described in
430 25 USC [5364](#) and [5304](#). The BIA and Indian Health Service, not typically the NPS, enter
431 compacts or 638 agreements with Tribes. If the NPS receives a request from any Tribe that
432 could be interpreted as a contract under Title I of the ISDEAA, the NPS should immediately
433 contact the Office of the Solicitor for assistance. The NPS may only have 90 days to respond, or
434 the request is assumed to be approved. Requests for both contracts and compacts entail specific
435 considerations that must involve the Office of the Solicitor.

436 **4.6.2 Purpose and Use**

437 The NPS works with the BIA Office of Self Governance to publish an annual list in the Federal
438 Register of activities that may be eligible for inclusion in funding agreements for the upcoming
439 fiscal year. Programs, services, functions, and activities that may be eligible for a Self-
440 Governance Funding Agreement include resource management activities and research,
441 interpretation, and education programs, planning documents, fire protection, housing
442 construction and rehabilitation, maintenance functions and services, and roads and trails repair or
443 rehabilitation.

444 A self-governance Tribe that is traditionally associated by cultural, historical, or geographical
445 significance to a System unit may initiate a request to enter into negotiation for a funding
446 agreement. The NPS is required to negotiate with self-governance Tribes, but the NPS only
447 enters into funding agreements if mutually acceptable terms and conditions are reached. The
448 NPS transfers funds to Tribes through funding agreements to carry out the agreed-upon
449 programs, functions, and activities (see [25 USC 5363](#)).

450 **4.6.3 Eligible Entities**

451 Not all Tribes are eligible to enter into a Self-Governance Funding Agreement. Self-governance
452 Tribes are federally recognized Tribes that have applied and meet the statutory criteria to
453 participate in the Self Governance Program, managed by the BIA Office of Self Governance.
454 The Office of Self Governance maintains the list of self-governance Tribes at
455 <https://www.bia.gov/as-ia/osg>. Funding agreements under Title IV of the ISDEAA are
456 authorized between self-governance Tribes and non-BIA bureaus, offices, and programs.

457 **4.6.4 Statutory Authority**

- 458 • Indian Self-Determination and Education Assistance Act (ISDEAA) of 1975 ([25 USC](#)
459 [5301 et seq.](#))
- 460 • Tribal Self-Governance Act of 1994 ([25 USC 5361 – 5377](#))
- 461 • [The PROGRESS for Indian Tribes Act \(Public Law 116-180\)](#). This act amended
462 provisions of Title I (Indian Self-Determination) and Title IV (DOI Tribal Self-
463 Governance Program) of the ISDEAA and will update how non-BIA bureaus process
464 funding agreements. Regulations for implementing the PROGRESS Act will be
465 developed through a negotiated rulemaking committee, with the Office of Self
466 Governance serving as the lead agency for DOI.

467 **4.6.5 Roles and Responsibilities**

468 The NPS Office of Native American Affairs (ONAA) is responsible for the oversight and
469 coordination of funding agreements. The ONAA should be included in the coordination of or
470 notification about any new funding agreement with a self-governance Tribe.

471 **4.6.6 Signature Authority**

472 Park superintendents are authorized to sign a funding agreement between their park(s) and a self-
473 governance Tribe. The responsible associate director (or designee), with the Director's
474 concurrence, is authorized to sign a funding agreement between an NPS program and a self-
475 governance Tribe.

476 **4.6.7 Examples of Appropriate Uses of this Agreement Type**

- 477 • A self-governance Tribe provides cyclic road maintenance on public and administrative
478 use dirt roads, trail maintenance, facility management services, and construction activities
479 at an associated System unit.
- 480 • A self-governance Tribe provides resource management research and activities at an
481 associated System unit.
- 482 • A self-governance Tribe provides interpretation and education services, including youth
483 activities and volunteer activities at an associated System unit.

484 **5. Related Sources of Guidance**

485 Guidance for formalizing and managing other types of agreements and legal instruments
486 available for NPS use may be found in the policy documents listed below. These documents
487 cover subject- or activity-specific agreements and other legal relationships that may be governed
488 or guided by specific laws, regulations, and policies. See RM-20 for updates to these lists.

489 **5.1 Director’s Orders with Specific Agreement Types or Other Legal Instruments**

- 490 • [Director's Order #6: Interpretation & Education Services Agreements—guidance for](#)
491 [agreements on interpretive and educational partnerships.](#)
- 492 • [Director’s Order #7: Volunteers-in-Parks](#) and [Reference Manual 7](#)—guidance for
493 [managing the services of volunteers. A Volunteer Service Agreement forms the](#)
494 [“contract” between the NPS and volunteers.](#)
- 495 • [Director’s Order #9: Law Enforcement Program](#), Reference Manual 9 (for NPS law
496 [enforcement activities\), and United States Park Police \(USPP\) General Orders \(for USPP](#)
497 [activities\)—guidance for NPS and USPP agreements involving law enforcement officers](#)
498 [or operations.](#)
- 499 • [Director’s Order #18: Wildland Fire Management](#) and [Reference Manual 18](#)—guidance
500 [for mutual assistance agreements with Federal, State, Tribal, and local fire management](#)
501 [agencies and organizations.](#)
- 502 • [Director’s Order #21: Donations and Philanthropic Partnerships](#) and [Reference Manual](#)
503 [21](#)—guidance for working with donors and philanthropic partners and the use of
504 [Philanthropic Agreements.](#)
- 505 • [Director’s Order #28: Cultural Resource Management, NPS-28, and NPS Nationwide](#)
506 [Programmatic Agreement National Guidance Document](#)—guidance for agreements
507 [related to management and protection of cultural resources, in particular the 2008](#)
508 [Programmatic Agreement](#) for compliance with section 106 of the National Historic
509 [Preservation Act \(54 USC 306108\).](#)
- 510 • [Director’s Order #32: Cooperating Associations](#) and [Reference Manual 32](#)—guidance for
511 [activities performed under a Standard Cooperating Association Agreement. See Director’s](#)
512 [Order #6 for guidance on agreements for provision of interpretation and education](#)
513 [services by cooperating associations.](#)
- 514 • [Director’s Order #35A: Sale or Lease of Park Services, Resources, or Water in Support](#)
515 [of Activities Outside the Boundaries of National Park Areas](#)—guidance for selling or
516 [leasing park services, resources, or water to support public accommodations or services](#)
517 [in the immediate vicinity of a System unit.](#)

- 518 • [Director’s Order #35B: Cost Recovery for National Park Service Provided Utilities](#) and
519 [Reference Manual 35B](#)—guidance for recovering the cost of utility services (such as
520 electricity, natural gas, water, and solid-waste disposal) provided to non-NPS users.
- 521 • [Director’s Order #38: Real Property Leasing](#) and [Reference Manual 38](#)—guidance for
522 leasing land and facilities, including historic properties, to nonprofit, for-profit, and
523 government entities.
- 524 • [Director’s Order #45: National Trails System](#) and [Reference Manual 45](#)—guidance for
525 agreements with Federal agencies, Tribes, States, local governments, landowners, private
526 organizations, or individuals to operate, develop, or maintain any portion of these trails.
- 527 • [Director’s Order #46: Wild and Scenic Rivers](#) and [Reference Manual 46](#)—guidance for
528 agreements to manage and protect wild and scenic rivers in partnership with Federal
529 agencies, States, local governments, landowners, organizations, or individuals.
- 530 • [Director’s Order #51: Emergency Medical Services](#) and [Reference Manual 51](#)—
531 guidance for agreements to provide emergency medical assistance to other agencies and
532 organizations.
- 533 • [Director’s Order #53: Special Park Uses](#), [Reference Manual 53](#), and [Reference Manual](#)
534 [53B \(Rights-of-Way\)](#)—guidance for administering a wide range of special park uses on
535 National Park System lands, including public events, gatherings, and rights-of-way.
- 536 • [Director’s Order #56: International Activities](#)—guidance for agreements with other
537 domestic agencies and organizations, as well as with parks and protected areas agencies
538 in other countries, to implement NPS international programs and projects.
- 539 • [Director’s Order #58: Structural Fire Management and Other Structural Fire Related](#)
540 [Policies and Documents](#)—guidance for mutual assistance agreements with Federal, State,
541 Tribal, and local fire management agencies, and organizations.
- 542 • [Director’s Order #77-10: NPS Benefits Sharing](#) and [Benefits Sharing Handbook](#)—
543 guidance for Cooperative Research and Development Agreements.
- 544 • [Director’s Order #89: Acquisition and Management of Leased Space](#)—guidance for
545 leasing space for NPS use through the General Services Administration.

546 5.2 NPS Management Policies

- 547 • *Management Policies*, [section 8.10](#) (Natural and Cultural Studies, Research, and
548 Collection Activities)—guidance for permitting studies and research, collection activities,
549 and mining, energy, and mineral activities.
- 550 • *Management Policies*, [section 10.3](#), and the [NPS Commercial Services Guide](#)—guidance
551 for issuing Commercial Use Authorizations that allow individuals, companies, or other
552 entities to provide commercial visitor services in parks.

553 5.3 Other Specialized Agreement Types

- 554 • Challenge Cost-Share Agreements (CCSAs)—The statutory authority for CCSAs ([54](#)
555 [USC 101701](#)) enables the NPS to negotiate and enter CCSAs to share costs or services
556 with one or more cooperators for authorized functions and responsibilities in any System
557 unit or System program, affiliated area, or designated national scenic trail or national
558 historic trail. The Federal funding share may be provided from any funds available to the
559 NPS.

30-day external review draft. Submit comments by **Monday, January 27, 2025**, via the [Comment Form](#). The draft Order and comment form are available at <https://www.nps.gov/subjects/policy/new.htm>.

- 560 • Cooperative Ecosystem Studies Units (CESU) Joint Venture (JV) Agreements—CESU
561 JV Agreements are multi-party agreements and represent inclusion in the CESU program
562 as a qualified entity for future CESU financial assistance agreements ([54 USC 100703](#)).
- 563 • Intra-NPS Agreements—written agreements available for use as a best practice between
564 NPS personnel or offices to define a relationship, establish service levels, or move money
565 (as allowed by appropriations law and the Anti-Deficiency Act ([31 USC 1341](#))). IGT
566 agreements and GAs are not necessary or appropriate for an intra-NPS relationship.

567 *-----End of Director's Order-----*