

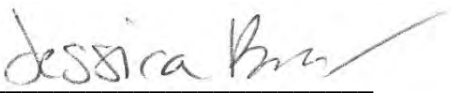


# United States Department of the Interior

## NATIONAL PARK SERVICE

1849 C Street, NW  
Washington, DC 20240

### **DIRECTOR'S ORDER #20: AGREEMENTS**

Approved:   
Comptroller  
Exercising the Delegated Authority of the Director

Effective Date: April 13, 2026

Duration: Until amended, superseded, or rescinded

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

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## **1. Background and Purpose**

### **1.1 Background**

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

The NPS formalizes relationships through agreements and other legal instruments. A variety of options are available for NPS use; the decision about which agreement or legal instrument to use is based on law, regulation, and policy, as well as the purpose of a relationship. Efficient and effective use of these options allows the NPS to accomplish more than it can alone. Thus, NPS managers and employees should (1) have a general understanding of the available types of agreements and other legal instruments that can be used to establish formal relationships with other entities; (2) use the most appropriate or applicable agreement or other legal instrument for a particular relationship; and (3) ensure the proper level of review, approval, and signature.

## **1.2 Purpose**

The purpose of this Order is to:

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

NPS employees should use this Order in tandem with RM-20, which provides comprehensive guidance, agreement templates, procedures, and other information for the selection, development, approval, and use of agreements.

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

## **1.3 Implementation Responsibilities**

The Director, or their delegate, is responsible for ensuring the effective implementation of this Order and may delegate specific responsibilities within the NPS in accordance with current delegations of authority. Where responsibilities for implementing portions of this Order rest with Department of the Interior (DOI) offices, due to organizational structure or functional assignments, those responsibilities will be carried out by the appropriate DOI officials under existing DOI delegations.

A designated official within the NPS will serve as the lead for implementation and technical support, which may include:

- coordinating the development, issuance, and updating of RM-20, and
- providing advisory services and making instrument type recommendations when multiple options exist, and the appropriate path forward is unclear.

To allow for flexibility as organizational structures evolve, RM-20 will provide detailed information on roles and responsibilities for each agreement type, including oversight and signature authority, as prescribed by the Director in a subsequent delegation memorandum.

The NPS is committed to strengthening co-stewardship relationships with Indian and Alaska Native Tribes, relevant Alaska Native entities, and Native Hawaiians. Co-stewardship relationships are often accomplished through agreements, including annual funding agreements with self-governance Indian Tribes. The Director, or their delegate, should ensure consultation with Tribes and the Native Hawaiian Community is incorporated into relevant decision-making processes and agreements developed under this Order. See [Director's Order #71C: Consultation with Indian and Alaska Native Tribes](#), [512 DM 4](#), and [513 DM 1](#) for further guidance.

## **2. Authorities**

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

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

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

### **2.2 Authorities for Agreements**

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

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

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

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

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

This Order is specific to the following types of agreements:

1. Federal Intragovernmental Agreements
2. Non-Federal Reimbursable Service Agreements
3. Financial Assistance Agreements (Cooperative Agreements and Grant Agreements)
4. Cooperative Management Agreements
5. General Agreements (Memorandum of Understanding or Memorandum of Agreement)
6. Funding Agreements with Self-Governance Tribes

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

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

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

### **4. Agreements Subject to this Director's Order**

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

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

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

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

## **4.1 Federal Intragovernmental Agreements**

### **4.1.1 Description**

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

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

IGT agreements can be referred to by various names, including:

1. Inter-Agency Agreements
2. Intra-Agency Agreements
3. Intra-DOI Agreements
4. Reimbursable Service Agreements
5. Reimbursable Interagency Agreements
6. Reimbursable Support Agreements
7. Reimbursable Work Agreements
8. Assisted Acquisitions
9. Inter- or Intra-Agency Travel Agreements

### **4.1.2 Purpose and Use**

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

### **4.1.3 Statutory Authority**

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

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

Finally, the servicing Federal agency or bureau may have separate program authority that allows it to provide products or services. It is not common for the NPS to cite a program authority, but it is common for trading partners who sell to the NPS to cite a program authority. This should not be confused with the statutory authority mentioned above. The statutory authority serves as the single authority that allows the servicing agency to provide reimbursable goods or services

and the requesting agency to receive them. The program authority should only be used to supplement the statutory authority. When there is a conflict between the statutory authority and the program authority, the statutory authority governs.

#### **4.1.4 Eligible Entities**

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

#### **4.1.5 Roles, Responsibilities, and Signature Authority**

The Director will assign oversight responsibility for IGT agreements, based on current delegations of authority. Where the DOI has oversight due to organizational structure, the NPS will follow DOI's delegations.

When the NPS is the requesting agency and is obligating funds, the authorized approving official is identified in policies such as the Miscellaneous Obligations Policy, the DOI Policy Addendum on Inter-Agency Agreements and Intra-DOI Agreements, or other NPS and DOI policies. When the NPS is the servicing agency, NPS officials at various levels may have signature authority to accept the terms of an agreement on behalf of the NPS.

See RM-20 for current assignments of roles and responsibilities, including oversight and signature authority.

#### **4.1.6 Examples of Appropriate Uses of This Agreement Type**

- Scientific Services: NPS acquisition of stream gauge monitoring or vegetation modeling services from the United States Geological Survey.
- Historic Preservation: Bureau of Reclamation acquisition of historic preservation services from the NPS.
- Transportation/Construction: NPS acquisition of road construction services from the U.S. Department of Transportation Federal Highway Administration.
- Employee-Related Services: Reimbursement from the U.S. Forest Service (USFS) to the NPS for travel and labor costs of NPS employees offering expertise on a USFS project.
- Emergency Support: Provision or receipt of emergency response services between the NPS and another Federal agency.

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

#### **4.2.1 Description**

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

1. Reimbursable Service Agreements
2. Reimbursable Support Agreements
3. Reimbursable Orders

#### **4.2.2 Purpose and Use**

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

#### **4.2.3 Statutory Authority**

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

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

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

#### **4.2.4 Eligible Entities**

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

#### **4.2.5 Roles, Responsibilities, and Signature Authority**

The Director will assign oversight responsibility for non-Federal reimbursable service agreements to the appropriate NPS official, based on current delegations of authority. Where the DOI has oversight due to organizational structure, the NPS will follow DOI's delegations. NPS officials, at different levels of the organization, have signature authority to accept the terms of a non-Federal reimbursable service agreement.

See RM-20 for current assignments of roles and responsibilities, including oversight and signature authority.

#### **4.2.6 Examples of Appropriate Uses of this Agreement Type**

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

## **4.3 Financial Assistance Agreements**

### **4.3.1 Description**

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

The NPS uses two common types of FA agreements:

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

### **4.3.2 Purpose and Use**

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

### **4.3.3 Statutory Authority**

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

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

#### **4.3.4 Eligible Entities**

Legal authorities governing the use of the FA agreement, along with the associated official Federal assistance listings, define which entities are eligible to receive funding. Most NPS FA agreements are with nonprofit organizations, institutes of higher education, and State, Tribal, and local governments.

#### **4.3.5 Roles, Responsibilities, and Signature Authority**

The Director will assign oversight responsibility for financial assistance agreements to the appropriate NPS official, based on current delegations of authority. Where the DOI has oversight due to organizational structure, the NPS will follow DOI's delegations.

See RM-20 for current assignments of roles and responsibilities, including oversight and signature authority.

#### **4.3.6 Examples of Appropriate Uses of this Agreement Type**

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

### **4.4 Cooperative Management Agreements**

#### **4.4.1 Description**

A Cooperative Management Agreement (CMA) is the instrument the NPS may use to document a relationship with an eligible entity for cooperative management of NPS park areas and nearby lands or waters. CMAs are limited to relationships that facilitate the effective and efficient management of a National Park System unit (System unit) and nearby lands and waters managed by an eligible entity. In addition, NPS employees may be assigned to work on an eligible entity's land under [5 USC 3372](#), but the Secretary may not transfer administrative responsibilities for any System unit. Finally, under a CMA the NPS and the eligible entity may co-locate in offices or facilities owned by either party.

CMAs do not authorize co-management of Federal lands. In a CMA between the NPS and an eligible entity, Federal decision making remains with the NPS. If there appears to be an overlap between the CMA authority and any park-specific cooperative management authority, the superintendent (or other designated official, such as a site manager) of the affected park should consult with the Office of the Solicitor for direction.

#### **4.4.2 Purpose and Use**

The purpose of a CMA is to support the effective and efficient management of a System unit and nearby lands or waters managed by an eligible entity. The NPS may use CMAs to 1) acquire goods and services from an eligible entity by purchase, donation, or exchange, and 2) provide goods and services to an eligible entity on a reimbursable basis. Reimbursements may be credited to the appropriation current at the time of receipt.

### **4.4.3 Statutory Authority**

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

### **4.4.4 Eligible Entities**

The CMA authority ([54 USC 101703](#)) defines eligible entities as a State or local entity, any political subdivision thereof, or an Indian Tribe or Tribal organization that manages lands or waters near a System unit.<sup>1</sup>

### **4.4.5 Roles, Responsibilities, and Signature Authority**

The Director will assign oversight responsibility for CMAs that involve the transfer of funds to or from the NPS to the appropriate official within the NPS or DOI, based on current organizational structure and delegations of authority.

See RM-20 for current assignments of roles and responsibilities, including oversight and signature authority.

## **4.5 General Agreements**

### **4.5.1 Description**

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

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

### **4.5.2 Purpose and Use**

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

Under the previous edition of this Order, the term "General Agreement" could be applied to any agreement not defined as a cooperative agreement or an IGT agreement. It gave examples, such

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<sup>1</sup> "State" means each of the States, the District of Columbia, and U.S. territories. "Local entities" means counties, municipalities, and similar governmental entities. "Indian Tribe" and "Tribal organization" have the meanings given in section [5304](#) of the Indian Self-Determination and Education Assistance Act of 1975 ([25 USC 5301 et seq.](#)).

as agreements with Friends groups, fundraising agreements, cooperating association agreements, law enforcement assistance agreements, and programmatic agreements with other Federal agencies. Over time, the NPS has updated other Director's Orders and the associated Level 3 guidance (reference manuals, handbooks, and other materials) or has issued other policy documents with guidance for use of subject-specific agreements or other legal instruments when separately authorized. For example, Director's Order #21 and RM-21 contain guidance and agreement templates for philanthropic partnerships, and Director's Order #32 and RM-32 contain guidance for standard cooperating association agreements. The DOI and the Federal Emergency Management Agency issue much of the guidance for agreements about law enforcement and emergency services programs and activities. Some agreements for historic or cultural resource preservation are developed and named based on direction found in law (such as section 106 of the National Historic Preservation Act). Any agreements defined in other Director's Orders are considered to be specific to that policy subject; they are not GAs as defined in this Order.

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

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

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

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

### **4.5.3 Eligible Entities**

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

### **4.5.4 Statutory Authority**

The NPS enters into GAs under the general authority of the Organic Act ([54 USC 100101\(a\) et seq.](#)), which authorizes the NPS to take actions that further the NPS mission.

Note: The General Agreements described in this section are based solely on the NPS's general management authority under the Organic Act (54 USC 100101(a)). When a relationship or

activity requires use of a separate statutory authority—such as the National Trails System Act, the Volunteers in the Parks Act, or other program-specific laws—the resulting agreement is no longer considered a “General Agreement” under this Order.

#### **4.5.5 Roles, Responsibilities, and Signature Authority**

The Director, or their delegate, will define roles and responsibilities for GAs, including how they apply to specific activities and situations, based on organizational structure and current delegations of authority. Since the need for GAs is wide-ranging, associate, assistant, and regional directors should establish a review process or standard operating procedures that identify signature authority and when the Office of the Solicitor should or must review GA content to ensure it is appropriate.

See RM-20 for current assignments of roles and responsibilities, including oversight and signature authority.

#### **4.5.6 Examples of Appropriate Uses of this Agreement Type**

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

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

#### **4.6.1 Description**

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

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

#### **4.6.2 Purpose and Use**

The NPS works with the BIA Office of Self Governance to publish an annual list in the Federal Register of activities that may be eligible for inclusion in funding agreements for the upcoming fiscal year. Programs, services, functions, and activities that may be eligible for a Self-Governance Funding Agreement include resource management activities and research,

interpretation, and education programs, planning documents, fire protection, housing construction and rehabilitation, maintenance functions and services, and roads and trails repair or rehabilitation.

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

The NPS recognizes that Tribal governments are sovereign nations and that Tribal expertise, particularly in matters of cultural, historical, and environmental significance, is both unique and valuable. Funding agreements may provide for compensation of Tribal services, training, or subject-matter knowledge in a manner consistent with other Federal partnership practices.

Consistent with NPS and DOI consultation policies, the NPS should engage in early, meaningful, and sustained consultation with self-governance Tribes throughout the development and administration of funding agreements. NPS staff should tailor consultation to the specific circumstances and ensure Tribal perspectives are fully integrated into program planning and agreement terms. See [Director's Order #71C: Consultation with Indian and Alaska Native Tribes](#); [512 DM 4: Policy on Consultation with Indian Tribes](#), and [512 DM 5: Procedures for Consultation with Indian Tribes](#).

#### **4.6.3 Statutory Authority**

- Indian Self-Determination and Education Assistance Act (ISDEAA) of 1975 ([25 USC 5301 et seq.](#))
- Tribal Self-Governance Act of 1994 ([25 USC 5361 – 5377](#))
- [The PROGRESS for Indian Tribes Act \(Public Law 116-180\)](#). This act amended provisions of title I and title IV of the ISDEAA and updates how non-BIA bureaus will process funding agreements. Regulations for implementing the PROGRESS Act will be found at [25 CFR Part 1000](#).

#### **4.6.4 Eligible Entities**

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

#### **4.6.5 Roles, Responsibilities, and Signature Authority**

The Director will designate the office or official that will oversee and coordinate funding agreements with self-governance Tribes. That office should be included in the coordination of, or notified about, any new funding agreement with a self-governance Tribe.

See RM-20 for current assignments of roles and responsibilities, including oversight and signature authority.

#### **4.6.6 Examples of Appropriate Uses of this Agreement Type**

A self-governance Tribe provides services at an associated System unit, such as:

- cyclic road maintenance on public and administrative use dirt roads, trail maintenance, facility management services, and construction activities;
- resource management research and activities; and
- interpretation and education services, including youth activities and volunteer activities.

### **5. Related Sources of Guidance**

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

#### **5.1 Director's Orders with Specific Agreement Types or Other Legal Instruments**

- [Director's Order #6: Interpretation and Education](#)—guidance for agreements on interpretive and educational partnerships.
- [Director's Order #7: Volunteers-in-Parks](#) and [Reference Manual 7](#)—guidance for managing the services of volunteers. A Volunteer Service Agreement forms the “contract” between the NPS and volunteers.
- [Director's Order #9: Law Enforcement Program](#), Reference Manual 9 (for NPS law enforcement activities) and United States Park Police (USPP) General Orders (for USPP activities)—guidance for NPS and USPP agreements involving law enforcement officers or operations.
- [Director's Order #18: Wildland Fire Management](#) and [Reference Manual 18](#)—guidance for mutual assistance agreements with Federal, State, Tribal, and local fire management agencies and organizations.
- [Director's Order #21: Donations and Philanthropic Partnerships](#) and [Reference Manual 21](#)—guidance for working with donors and philanthropic partners and the use of Philanthropic Agreements.
- [Director's Order #28: Cultural Resource Management, NPS-28, and NPS Nationwide Programmatic Agreement National Guidance Document](#)—guidance for agreements related to management and protection of cultural resources, in particular the [2008 Programmatic Agreement](#) for compliance with section 106 of the National Historic Preservation Act ([54 USC 306108](#)).
- [Director's Order #32: Cooperating Associations](#) and [Reference Manual 32](#)—guidance for activities performed under a Standard Cooperating Association Agreement.
- [Director's Order #35A: Sale or Lease of Park Services, Resources, or Water in Support of Activities Outside the Boundaries of National Park Areas](#)—guidance for selling or leasing park services, resources, or water to support public accommodations or services in the immediate vicinity of a System unit.

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

## 5.2 NPS Management Policies

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

## 5.3 Other Specialized Agreement Types

- Intra-NPS Agreements—written agreements available for use as a best practice between NPS personnel or offices to define a relationship, establish service levels, or move money (as allowed by appropriation law and the Anti-Deficiency Act ([31 USC 1341](#))). IGT agreements and GAs are not appropriate for an intra-NPS relationship.

-----End of Director’s Order-----