

a note preceding section 21 of Title 2, The Congress. Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999. Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 6204. Delegation

In order to carry out sections 6202 and 6203 of this chapter, the Director may delegate to any authority of the executive branch of the Federal Government the responsibility for carrying out such sections. The Director shall oversee the activities of any authority to which responsibilities are delegated under this section and shall monitor the compliance of each authority with respect to the requirements set forth in section 6205.

(Added Pub. L. 99-547, §2(a), Oct. 27, 1986, 100 Stat. 3059.)

§ 6205. Availability of information

Each head of any authority of the Government having custody of the data files and systems referred to in section 6202(c)—

(1) shall make available to the Director (or other authority to which the Director has delegated the responsibility to carry out such section) the information requested in the form designated; and

(2) is authorized to make available to the Director (or such other authority) such administrative services, equipment, personnel, and facilities (and funds appropriated therefor) as the Director or such authority requires to carry out such section.

(Added Pub. L. 99-547, §2(a), Oct. 27, 1986, 100 Stat. 3059.)

§ 6206. Data consistency and uniformity of data elements

The Director shall designate a single organizational unit to provide for data consistency and uniform reporting of data elements.

(Added Pub. L. 99-547, §2(a), Oct. 27, 1986, 100 Stat. 3059.)

§ 6207. Authorization of appropriations

There are authorized to be appropriated to carry out this chapter such sums as may be necessary for each of the fiscal years 1986, 1987, 1988, 1989, and 1990.

(Added Pub. L. 99-547, §2(a), Oct. 27, 1986, 100 Stat. 3060.)

CHAPTER 63—USING PROCUREMENT CONTRACTS AND GRANT AND COOPERATIVE AGREEMENTS

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§ 6301. Purposes

The purposes of this chapter are to—

(1) promote a better understanding of United States Government expenditures and help eliminate unnecessary administrative requirements on recipients of Government awards by characterizing the relationship between executive agencies and contractors, States, local governments, and other recipients in acquiring property and services and in providing United States Government assistance;

(2) prescribe criteria for executive agencies in selecting appropriate legal instruments to achieve—

(A) uniformity in their use by executive agencies;

(B) a clear definition of the relationships they reflect; and

(C) a better understanding of the responsibilities of the parties to them; and

(3) promote increased discipline in selecting and using procurement contracts, grant agreements, and cooperative agreements, maximize competition in making procurement contracts, and encourage competition in making grants and cooperative agreements.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1003.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6301	41:501.	Feb. 3, 1978, Pub. L. 95-224, §2, 92 Stat. 3.

In the chapter, the words “procurement contract” are substituted for “contract” for consistency.

The text of 41:501(a) and (b)(4) is omitted as executed.

ENVIRONMENTAL PROTECTION AGENCY; AGREEMENTS AND GRANTS AFFECTING REAL PROPERTY IN THE DISTRICT OF COLUMBIA

Pub. L. 106-522, §153, Nov. 22, 2000, 114 Stat. 2474, provided that:

“(a) Nothing in the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301 et seq.) may be construed to prohibit the Administrator of the Environmental Protection Agency from negotiating and entering into cooperative agreements and grants authorized by law which affect real property of the Federal Government in the District of Columbia if the principal purpose of the cooperative agreement or grant is to provide comparable benefits for Federal and non-Federal properties in the District of Columbia.

“(b) Subsection (a) shall apply with respect to fiscal year 2001 and each succeeding fiscal year.”

Similar provisions were contained in Pub. L. 106-553, §1(a)(1) [§153], Dec. 21, 2000, 114 Stat. 2762, 2762A-37, which was repealed, and deemed for all purposes to have never been enacted, by Pub. L. 106-554, §1(a)(4) [div. A, §406(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A-189, effective as if included in Pub. L. 106-553 on the date of its enactment. See section 1(a)(4) [div. A, §406] of Pub. L. 106-554, set out as an Effective Date and Construction of 2000 Amendment note under section 1155 of Title 20, Education.

§ 6302. Definitions

In this chapter—

(1) “executive agency” does not include a mixed-ownership Government corporation.

(2) “grant agreement” and “cooperative agreement” do not include an agreement under which is provided only—

- (A) direct United States Government cash assistance to an individual;
- (B) a subsidy;
- (C) a loan;
- (D) a loan guarantee; or
- (E) insurance.

(3) “local government” means a unit of government in a State, a local public authority, a special district, an intrastate district, a council of governments, a sponsor group representative organization, an interstate entity, or another instrumentality of a local government.

(4) “other recipient” means a person or recipient (except a State or local government) authorized to receive United States Government assistance or procurement contracts and includes a charitable or educational institution.

(5) “State” means a State of the United States, the District of Columbia, a territory or possession of the United States, an agency or instrumentality of a State, and a multi-State, regional, or interstate entity having governmental duties and powers.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 1003.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6302(1)	41:502(4).	Feb. 3, 1978, Pub. L. 95–224, § 3, 92 Stat. 4.
6302(2)	41:502(5).	
6302(3)	41:502(2).	
6302(4)	41:502(3).	
6302(5)	41:502(1).	

Clause (3) restates the source provisions because of the definition of “executive agency” in section 102 of the revised title. The words “a county, municipality, city, town, township” are omitted as being included in “a unit of government in a State”.

In clause (5), the words “the Commonwealth of Puerto Rico” are omitted as being included in “territory or possession of the United States” and as unnecessary because of 48:734. The words “duties and powers” are substituted for “functions” for consistency in the revised title and with other titles of the United States Code.

§ 6303. Using procurement contracts

An executive agency shall use a procurement contract as the legal instrument reflecting a relationship between the United States Government and a State, a local government, or other recipient when—

- (1) the principal purpose of the instrument is to acquire (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government; or
- (2) the agency decides in a specific instance that the use of a procurement contract is appropriate.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 1004.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6303	41:503.	Feb. 3, 1978, Pub. L. 95–224, § 4, 92 Stat. 4.

The words “type of” are omitted as unnecessary. The word “decides” is substituted for “determines” for consistency.

§ 6304. Using grant agreements

An executive agency shall use a grant agreement as the legal instrument reflecting a relationship between the United States Government and a State, a local government, or other recipient when—

- (1) the principal purpose of the relationship is to transfer a thing of value to the State or local government or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States instead of acquiring (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government; and
- (2) substantial involvement is not expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 1004.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6304	41:504.	Feb. 3, 1978, Pub. L. 95–224, § 5, 92 Stat. 4.

The words “type of” are omitted as unnecessary. The words “money, property, services” are omitted as being included in “a thing of value”. The words “in order” are omitted as surplus. The words “law of the United States” are substituted for “Federal statute” for consistency.

§ 6305. Using cooperative agreements

An executive agency shall use a cooperative agreement as the legal instrument reflecting a relationship between the United States Government and a State, a local government, or other recipient when—

- (1) the principal purpose of the relationship is to transfer a thing of value to the State, local government, or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States instead of acquiring (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government; and
- (2) substantial involvement is expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 1004.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6305	41:505.	Feb. 3, 1978, Pub. L. 95–224, § 6, 92 Stat. 5.

The words "type of" are omitted as unnecessary. The words "money, property, services" are omitted as being included in "a thing of value". The words "law of the United States" are substituted for "Federal statute" for consistency.

IMPLEMENTATION OF NORTH AMERICAN WETLANDS CONSERVATION ACT AND NORTH AMERICAN WATERFOWL MANAGEMENT PLAN

Pub. L. 102-154, title I, Nov. 13, 1991, 105 Stat. 995, provided that: "Notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301-6308), the Fish and Wildlife Service is hereafter authorized to negotiate and enter into cooperative arrangements and grants with public and private agencies, organizations, institutions, and individuals to implement on a public-private cost sharing basis, the North American Wetlands Conservation Act [16 U.S.C. 4401 et seq.] and the North American Waterfowl Management Plan".

PRINTING OF EDUCATIONAL MATERIALS AND CONTINUATION OF CHALLENGE COST-SHARE PROGRAM

Pub. L. 102-154, title II, Nov. 13, 1991, 105 Stat. 1018, provided that: "Notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301-6308), the Forest Service is authorized hereafter to negotiate and enter into cooperative arrangements with public and private agencies, organizations, institutions, and individuals to print educational materials and to continue the Challenge Cost-Share Program."

BUREAU OF LAND MANAGEMENT; AUTHORIZATION TO USE COOPERATIVE ARRANGEMENTS TO IMPLEMENT CHALLENGE COST-SHARE PROGRAMS

Pub. L. 101-512, title I, Nov. 5, 1990, 104 Stat. 1918, provided in part that: "the Bureau [of Land Management] is authorized hereafter to negotiate and enter into cooperative arrangements with public and private agencies, organizations, institutions, and individuals, to implement challenge cost-share programs."

§ 6306. Authority to vest title in tangible personal property for research

The head of an executive agency may vest title in tangible personal property in a nonprofit institution of higher education or in a nonprofit organization whose primary purpose is conducting scientific research—

- (1) when the property is bought with amounts provided under a procurement contract, grant agreement, or cooperative agreement with the institution or organization to conduct basic or applied scientific research;
(2) when the head of the agency decides the vesting furthers the objectives of the agency;
(3) without further obligation to the United States Government; and
(4) under conditions the head of the agency considers appropriate.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1004.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 6306, 41:506, Feb. 3, 1978, Pub. L. 95-224, § 7, 92 Stat. 5.

The text of 41:506(a) is omitted as unnecessary because it duplicates the requirements of sections 6303-6305 of the revised title. The word "equipment" is omitted as being included in "tangible personal property". The words "amounts provided under a contract, grant agreement, or cooperative agreement" are sub-

stituted for "such funds" for clarity. The words "decides the vesting" are substituted for "it is deemed" for clarity. The word "conditions" is substituted for "terms and conditions" because it is inclusive.

§ 6307. Interpretative guidelines and exemptions

The Director of the Office of Management and Budget may—

- (1) issue supplementary interpretative guidelines to promote consistent and efficient use of procurement contracts, grant agreements, and cooperative agreements; and
(2) exempt a transaction or program of an executive agency from this chapter.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1005.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows: 6307(1), 41:508, Feb. 3, 1978, Pub. L. 95-224, § 9, 92 Stat. 6; 6307(2), 41:501(note), Feb. 3, 1978, Pub. L. 95-224, § 10(d), 92 Stat. 6; Apr. 1, 1982, Pub. L. 97-162, 96 Stat. 23.

In clause (2), the word "exempt" is substituted for "except" for consistency.

§ 6308. Use of multiple relationships for different parts of jointly financed projects

This chapter does not require an executive agency to establish only one relationship between the United States Government and a State, a local government, or other recipient on a jointly financed project involving amounts from more than one program or appropriation when different relationships would otherwise be appropriate for different parts of the project.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1005.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 6308, 41:509, Feb. 3, 1978, Pub. L. 95-224, § 10(c), 92 Stat. 6.

The word "financed" is substituted for "funded", and the word "amounts" is substituted for "funds", for consistency in the revised title.

CHAPTER 65—INTERGOVERNMENTAL COOPERATION

- Sec. 6501. Definitions.
6502. Information on grants received.
6503. Intergovernmental financing.
6504. Use of existing State or multitember agency to administer grant programs.
6505. Authority to provide specialized or technical services.
6506. Development assistance.
6507. Congressional review of grant programs.
6508. Studies and reports.

AMENDMENTS

1990—Pub. L. 101-453, § 5(c), Oct. 24, 1990, 104 Stat. 1061, substituted "Intergovernmental financing" for "Transfer and deposit requirements" in item 6503.

§ 6501. Definitions

In this chapter—
(1) "assistance" means the transfer of anything of value for a public purpose of support or stimulation that is—