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31 USC CHAPTER 63 - USING PROCUREMENT CONTRACTS AND GRANT
AND COOPERATIVE AGREEMENTS 01/03/2012 (112-90)

-EXPCITE-

TITLE 31 - MONEY AND FINANCE
SUBTITLE V - GENERAL ASSISTANCE ADMINISTRATION
CHAPTER 63 - USING PROCUREMENT CONTRACTS AND GRANT AND COOPERATIVE
AGREEMENTS

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CHAPTER 63 - USING PROCUREMENT CONTRACTS AND GRANT AND COOPERATIVE
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31 USC Sec. 6301 01/03/2012 (112-90)

-EXPCITE-

TITLE 31 - MONEY AND FINANCE
SUBTITLE V - GENERAL ASSISTANCE ADMINISTRATION
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Sec. 6301. Purposes

-STATUTE-

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.

-SOURCE-

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

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6301	41:501.	Feb. 3, 1978, Pub. L. 95-224, Sec. 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, Sec. 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, Sec. 1(a)(1) [Sec. 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, Sec. 1(a)(4) [div. A, Sec. 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, Sec. 406] of Pub. L. 106-554, set out as an Effective Date and Construction of 2000 Amendment, under section 1155 of Title 20, Education.

-End-

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31 USC Sec. 6302

01/03/2012 (112-90)

-EXPCITE-

TITLE 31 - MONEY AND FINANCE
SUBTITLE V - GENERAL ASSISTANCE ADMINISTRATION

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Sec. 6302. Definitions

-STATUTE-

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.

-SOURCE-

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

-MISC1-

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, Sec. 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.

-End-

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31 USC Sec. 6303

01/03/2012 (112-90)

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Sec. 6303. Using procurement contracts

-STATUTE-

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.

-SOURCE-

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

-MISC1-

HISTORICAL AND REVISION NOTES

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

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

-End-

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31 USC Sec. 6304

01/03/2012 (112-90)

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Sec. 6304. Using grant agreements

-STATUTE-

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.

-SOURCE-

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

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6304	41:504.	Feb. 3, 1978, Pub. L. 95-224, Sec. 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.

-End-

-CITE-

31 USC Sec. 6305

01/03/2012 (112-90)

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Sec. 6305. Using cooperative agreements

-STATUTE-

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.

-SOURCE-

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

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6305	41:505.	Feb. 3, 1978, Pub. L. 95-224, Sec. 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."

-End-

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31 USC Sec. 6306

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

-STATUTE-

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.

-SOURCE-

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

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6306	41:506.	Feb. 3, 1978, Pub. L. 95-224, Sec. 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

substituted 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.

-End-

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31 USC Sec. 6307

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Sec. 6307. Interpretative guidelines and exemptions

-STATUTE-

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.

-SOURCE-

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

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6307(1)	41:508.	Feb. 3, 1978, Pub. L. 95-224, Sec. 9, 92 Stat. 6.
6307(2)	41:501(note).	Feb. 3, 1978, Pub. L. 95-224, Sec. 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.

-End-

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31 USC Sec. 6308

01/03/2012 (112-90)

-EXPCITE-

TITLE 31 - MONEY AND FINANCE
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 CHAPTER 63 - USING PROCUREMENT CONTRACTS AND GRANT AND COOPERATIVE
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Sec. 6308. Use of multiple relationships for different parts of
 jointly financed projects

-STATUTE-

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.

-SOURCE-

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

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6308	41:509.	Feb. 3, 1978, Pub. L. 95-224, Sec. 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.

-End-