

tracts, 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 L. 106-553, §1(a)(1) [§153], Dec. 21, 2000, 114 Stat. 2762, 2762A-37, which was repealed, and deemed for all purposes to have never been enacted, by Pub.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.)