

(d) The authority under this section is in addition to authority under another law in effect on October 16, 1968.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1007.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)                     | Source (Statutes at Large)  |
|-----------------|--|---|
| 6505(a) .....   | 42:4201(8).                            | Oct. 16, 1968, Pub. L. 90-577, §§108, 303, 305, 82 Stat. 1100, 1102, 1103.  |
|                 | 42:4222(proviso, words after proviso). | Oct. 16, 1968, Pub. L. 90-577, §302, 82 Stat. 1102; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(a), 84 Stat. 2085. |
| 6505(b) .....   | 42:4222(words before proviso).         |   |
| 6505(c) .....   | 42:4223.                               |   |
| 6505(d) .....   | 42:4225.                               |   |

In the section, the words “executive agency” are substituted for “Federal department or agency” and “department or agency of the executive branch of the Federal Government” because of the definition in sections 102 and 6501(3) of the revised title.

In subsection (a), the source provisions are consolidated to eliminate an unnecessary definition. The word “President” is substituted for “Director of the Office of Management and Budget” in 42:4222(proviso, words after proviso) because sections 101 and 102(a) of Reorganization Plan No. 2 of 1970 (eff. July 1, 1970, 84 Stat. 2085) designated the Bureau of the Budget as the Office of Management and Budget and transferred all functions of the Bureau to the President. The words “rules and regulations” are omitted as unnecessary.

In subsection (b), the word “may” is substituted for “is authorized within his discretion” for clarity and to omit unnecessary words. The words “specialized or technical services” are omitted because of consolidation of the source provisions. The words “direct or indirect” are omitted as surplus.

In subsection (c), the word “Payment” is substituted for “moneys” for consistency in the section. The words “All” and “or any bureau or other administrative division thereof” are omitted as surplus.

In subsection (d), the words “and does not supersede” are omitted as unnecessary. The words “authority under another law in effect on October 16, 1968” are substituted for “authority now possessed” for clarity. The words “by any Federal department or agency with respect to furnishing services, whether on a reimbursable or nonreimbursable basis, to State and local units of government” are omitted as unnecessary.

**Statutory Notes and Related Subsidiaries**

PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES

Pub. L. 106-541, title II, §211, Dec. 11, 2000, 114 Stat. 2592, as amended by Pub. L. 107-66, title I, §109, Nov. 12, 2001, 115 Stat. 496, provided that:

“(a) DEFINITION OF STATE.—In this section, the term ‘State’ has the meaning given the term in section 6501 of title 31, United States Code.

“(b) AUTHORITY.—The Corps of Engineers may provide specialized or technical services to a Federal agency (other than an agency of the Department of Defense) or a State or local government under section 6505 of title 31, United States Code, only if the chief executive of the requesting entity submits to the Secretary [of the Army]—

“(1) a written request describing the scope of the services to be performed and agreeing to reimburse the Corps for all costs associated with the performance of the services; and

“(2) a certification that includes adequate facts to establish that the services requested are not reasonably and quickly available through ordinary business channels.

“(c) CORPS AGREEMENT TO PERFORM SERVICES.—The Secretary, after receiving a request described in sub-

section (b) to provide specialized or technical services, shall, before entering into an agreement to perform the services—

“(1) ensure that the requirements of subsection (b) are met with regard to the request for services; and

“(2) execute a certification that includes adequate facts to establish that the Corps is uniquely equipped to perform such services.

“(d) ANNUAL REPORT TO CONGRESS.—

“(1) IN GENERAL.—Not later than the last day of each calendar year, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report identifying any request submitted by a Federal agency (other than an agency of the Department of Defense) or a State or local government to the Corps to provide specialized or technical services.

“(2) CONTENTS OF REPORT.—The report shall include, with respect to each request described in paragraph (1)—

“(A) a description of the scope of services requested;

“(B) the certifications required under subsection (b) and (c);

“(C) the status of the request;

“(D) the estimated and final cost of the services;

“(E) the status of reimbursement;

“(F) a description of the scope of services performed; and

“(G) copies of all certifications in support of the request.

“(e) ENGINEERING RESEARCH AND DEVELOPMENT CENTER.—The Engineering Research and Development Center is exempt from the requirements of this section.”

**TRANSPORTATION OF STATE PRISONERS**

Pub. L. 105-119, title I, Nov. 26, 1997, 111 Stat. 2444, provided in part: “That, for fiscal year 1998 and thereafter, the service of maintaining and transporting State, local, or territorial prisoners shall be considered a specialized or technical service for purposes of 31 U.S.C. 6505, and any prisoners so transported shall be considered persons (transported for other than commercial purposes) whose presence is associated with the performance of a governmental function for purposes of 49 U.S.C. 40102.”

Similar provisions were contained in the following prior appropriation act:

Pub. L. 104-208, div. A, title I, §101(a) [title I], Sept. 30, 1996, 110 Stat. 3009, 3009-5.

**§ 6506. Development assistance**

(a) The economic and social development of the United States and the achievement of satisfactory levels of living depend on the sound and orderly development of urban and rural areas. When urbanization proceeds rapidly, the sound and orderly development of urban communities depends to a large degree on the social and economic health and the sound development of smaller communities and rural areas.

(b) The President shall prescribe regulations governing the formulation, evaluation, and review of United States Government programs and projects having a significant impact on area and community development (including programs and projects providing assistance to States and localities) to serve most effectively the basic objectives of subsection (a) of this section. The regulations shall provide for the consideration of concurrently achieving the following specific objectives and, to the extent authorized by law, reasoned choices shall be made between the objectives when they conflict:

(1) appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes.

(2) wise development and conservation of all natural resources.

(3) balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other means to move people and goods.

(4) adequate outdoor recreation and open space.

(5) protection of areas of unique natural beauty and historic and scientific interest.

(6) properly planned community facilities (including utilities for supplying power, water, and communications) for safely disposing of wastes, and for other purposes.

(7) concern for high standards of design.

(c) To the extent possible, all national, regional, State, and local viewpoints shall be considered in planning development programs and projects of the United States Government or assisted by the Government. State and local government objectives and the objectives of regional organizations shall be considered within a framework of national public objectives expressed in laws of the United States. Available projections of future conditions in the United States and needs of regions, States, and localities shall be considered in plan formulation, evaluation, and review.

(d) To the maximum extent possible and consistent with national objectives, assistance for development purposes shall be consistent with and further the objectives of State, regional, and local comprehensive planning. Consideration shall be given to all developmental aspects of our total national community, including housing, transportation, economic development, natural and human resources development, community facilities, and the general improvement of living environments.

(e) To the maximum extent practicable, each executive agency carrying out a development assistance program shall consult with and seek advice from all other significantly affected executive agencies in an effort to ensure completely coordinated programs. To the extent possible, systematic planning required by individual United States Government programs (such as highway construction, urban renewal, and open space) shall be coordinated with and, to the extent authorized by law, made part of comprehensive local and areawide development planning.

(f) When a law of the United States provides that both a special-purpose unit of local government and a unit of general local government are eligible to receive a loan or grant, the head of an executive agency shall make the loan or grant to the unit of general local government instead of the special-purpose unit of local government in the absence of substantial reasons to the contrary.

(g) The President may designate an executive agency to prescribe regulations to carry out this section.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1008.)

#### HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)             | Source (Statutes at Large)                               |
|-----------------|--------------------------------|--|
| 6506(a) .....   | 42:4231(a)(1st, 2d sentences). | Oct. 16, 1968, Pub. L. 90-577, §§401-403, 82 Stat. 1103. |

#### HISTORICAL AND REVISION NOTES—CONTINUED

| Revised Section | Source (U.S. Code)             | Source (Statutes at Large) |
|-----------------|--------------------------------|----------------------------|
| 6506(b) .....   | 42:4231(a)(3d—last sentences). |                            |
| 6506(c) .....   | 42:4231(b).                    |                            |
| 6506(d) .....   | 42:4231(c).                    |                            |
| 6506(e) .....   | 42:4231(d), (e).               |                            |
| 6506(f) .....   | 42:4232.                       |                            |
| 6506(g) .....   | 42:4233.                       |                            |

In subsection (a), the words "United States" are substituted for "the Nation" for consistency. The word "When" is substituted for "in a time" for clarity.

In subsection (b), before clause (1), the word "therefore" is omitted as unnecessary. The word "regulations" is substituted for "rules and regulations" for consistency in the revised title and with other titles of the United States Code. In clause (2), the words "all natural resources" are substituted for "natural resources, including land, water, minerals, wildlife, and others" to eliminate unnecessary words.

In subsection (c), the words "fully", "taken into account", and "evaluated" are omitted as surplus. The words "development programs and projects of the United States Government or assisted by the Government" are substituted for "Federal or federally assisted development programs and projects", and the words "laws of the United States" are substituted for "Federal law", for consistency in the revised title.

In subsection (d), the word "assistance" is substituted for "federal aid" because of the definition in section 6501(1) of the revised title.

In subsection (e), the words "executive agency" are substituted for "Federal department and agency" and "Federal departments and agencies" because of the definition in sections 102 and 6501(3) of the revised title. The words "To the extent" are substituted for "Insofar as" for consistency.

In subsection (f), the words "law of the United States" are substituted for "Federal law" for consistency.

In subsection (g), the words "Office of Management and Budget . . . other" are omitted as surplus.

#### Executive Documents

##### EX. ORD. NO. 12372. INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

Ex. Ord. No. 12372, July 14, 1982, 47 F.R. 30959, as amended by Ex. Ord. No. 12416, Apr. 8, 1983, 48 F.R. 15587, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 401(a) of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4231(a)) [31 U.S.C. 6506(a) and (b)], Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334) and Section 301 of Title 3 of the United States Code, and in order to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for the State and local government coordination and review of proposed Federal financial assistance and direct Federal development, it is hereby ordered as follows:

SECTION 1. Federal agencies shall provide opportunities for consultation by elected officials of those State and local governments that would provide the non-Federal funds for, or that would be directly affected by, proposed Federal financial assistance or direct Federal development.

SEC. 2. To the extent the States, in consultation with local general purpose governments, and local special purpose governments they consider appropriate, develop their own processes or refine existing processes for State and local elected officials to review and coordinate proposed Federal financial assistance and direct Federal development, the Federal agencies shall, to the extent permitted by law:

(a) Utilize the State process to determine official views of State and local elected officials.

(b) Communicate with State and local elected officials as early in the program planning cycle as is reasonably feasible to explain specific plans and actions.

(c) Make efforts to accommodate State and local elected officials' concerns with proposed Federal financial assistance and direct Federal development that are communicated through the designated State process. For those cases where the concerns cannot be accommodated, Federal officials shall explain the bases for their decision in a timely manner.

(d) Allow the States to simplify and consolidate existing Federally required State plan submissions. Where State planning and budgeting systems are sufficient and where permitted by law, the substitution of State plans for Federally required State plans shall be encouraged by the agencies.

(e) Seek the coordination of views of affected State and local elected officials in one State with those of another State when proposed Federal financial assistance or direct Federal development has an impact on interstate metropolitan urban centers or other interstate areas. Existing interstate mechanisms that are redesignated as part of the State process may be used for this purpose.

(f) Support State and local governments by discouraging the reauthorization or creation of any planning organization which is Federally-funded, which has a Federally-prescribed membership, which is established for a limited purpose, and which is not adequately representative of, or accountable to, State or local elected officials.

SEC. 3. (a) The State process referred to in Section 2 shall include those where States delegate, in specific instances, to local elected officials the review, coordination, and communication with Federal agencies.

(b) At the discretion of the State and local elected officials, the State process may exclude certain Federal programs from review and comment.

SEC. 4. The Office of Management and Budget (OMB) shall maintain a list of official State entities designated by the States to review and coordinate proposed Federal financial assistance and direct Federal development. The Office of Management and Budget shall disseminate such lists to the Federal agencies.

SEC. 5. (a) Agencies shall propose rules and regulations governing the formulation, evaluation, and review of proposed Federal financial assistance and direct Federal development pursuant to this Order, to be submitted to the Office of Management and Budget for approval.

(b) The rules and regulations which result from the process indicated in Section 5(a) above shall replace any current rules and regulations and become effective September 30, 1983.

SEC. 6. The Director of the Office of Management and Budget is authorized to prescribe such rules and regulations, if any, as he deems appropriate for the effective implementation and administration of this Order and the Intergovernmental Cooperation Act of 1968 [31 U.S.C. 6501 et seq.]. The Director is also authorized to exercise the authority vested in the President by Section 401(a) of that Act (42 U.S.C. 4231(a)) [31 U.S.C. 6506(a) and (b)] in a manner consistent with this Order.

SEC. 7. The Memorandum of November 8, 1968, is terminated (33 Fed. Reg. 16487, November 13, 1968). The Director of the Office of Management and Budget shall revoke OMB Circular A-95, which was issued pursuant to that Memorandum. However, Federal agencies shall continue to comply with the rules and regulations issued pursuant to that Memorandum, including those issued by the Office of Management and Budget, until new rules and regulations have been issued in accord with this Order.

SEC. 8. The Director of the Office of Management and Budget shall report to the President by September 30, 1984 on Federal agency compliance with this Order. The views of State and local elected officials on their experiences with these policies, along with any suggestions for improvement, will be included in the Director's report.

RONALD REAGAN.

#### § 6507. Congressional review of grant programs

(a) The committees of Congress having jurisdiction over a grant program authorized by a law of the United States without a specified expiration date for the program shall study the program. The committees may conduct studies separately or jointly and shall report the results of their findings to their respective Houses of Congress not later than the end of each period specified in subsection (b) of this section. The committees shall give special attention to—

(1) the extent to which the purposes of the grants have been met;

(2) the extent to which the objective of the program can be carried on without further assistance;

(3) whether a change in the purpose, direction, or administration of the original program, or in procedures and requirements applicable to the program, should be made; and

(4) the extent to which the program is adequate to meet the growing and changing needs that it was designed to support.

(b)(1) A study under subsection (a) of this section of a grant program authorized by a law of the United States enacted before October 16, 1968, shall be conducted before the end of each 4th calendar year after the year during which a study of the program was last conducted under this section.

(2) A study under subsection (a) of this section of a grant program authorized by a law of the United States enacted after October 16, 1968, shall be conducted before the end of the 4th calendar year after the year of enactment of the law and before the end of each 4th calendar year thereafter.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1009.)

#### HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                           |
|-----------------|--------------------|--|
| 6507(a) .....   | 42:4241(a).        | Oct. 16, 1968, Pub. L. 90-577, § 601, 82 Stat. 1106. |
| 6507(b) .....   | 42:4241(b).        |  |

In the section, the words "law of the United States" are substituted for "Act of Congress" for clarity. The word "grants" is substituted for "grants-in-aid", and the words "grant program" are substituted for "grant-in-aid program", for consistency in the chapter.

In subsection (a), before clause (1), the words "grant program" are substituted for "program under which such grants-in-aid are made" for consistency in the chapter and to eliminate unnecessary words. The words "committees of Congress" are substituted for "Committee of the Senate and the House of Representatives" for consistency in the revised title and with other titles of the United States Code. The words "The committees may conduct" are added for clarity. The word "report" is substituted for "advise" for clarity. In clause (2), the word "assistance" is substituted for "financial assistance from the United States" because of the definition in section 6501(1) of the revised title.

In subsection (b), the words "prior to the expiration of the fourth calendar year beginning after October 16, 1968, and thereafter" are omitted as executed.

#### § 6508. Studies and reports

(a)(1) When requested by a committee of Congress having jurisdiction over a grant program, the Comptroller General shall study the program. The study shall include a review of—