

§ 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. |