

**§ 7103. Authority of the President and heads of executive agencies**

(a) The President shall prescribe necessary regulations to carry out section 7101 of this title and to ensure that this chapter is applied by all executive agencies consistently. The regulations may require executive agencies to adopt or prescribe procedures requiring applicants for assistance for a project to be jointly financed under this chapter to take steps to—

(1) get the views and recommendations of States and local governments that may be significantly affected by the project; and

(2) resolve questions of common interest to those States and local governments before making application.

(b) Subject to regulations prescribed under subsection (a) of this section and other law, the head of an executive agency may do the following by an order of the agency head or by agreement with another executive agency:

(1) identify related programs likely to be particularly suitable in providing joint financing for specific kinds of projects.

(2) to assist in planning and developing a project financed from different programs, develop and prescribe—

- (A) guidelines;
- (B) model or illustrative projects;
- (C) joint or common application forms; and
- (D) other materials or guidance.

(3) review administrative program requirements to identify requirements that may impede joint financing of a project and modify the requirements when appropriate.

(4) establish common technical or administrative regulations for related programs to assist in providing joint financing to support a specific project or class of projects.

(5) establish joint or common application processing and project supervision procedures, including procedures for designating—

- (A) a lead agency responsible for processing applications; and
- (B) a managing agency responsible for project supervision.

(c) The head of an executive agency shall—

(1) take maximum action to carry out section 7101 of this title in conducting an assistance program of the agency; and

(2) consult and cooperate with the heads of other executive agencies to carry out section 7101 of this title in conducting assistance programs of different executive agencies that may be used jointly to finance projects undertaken by States, local governments, or private nonprofit organizations.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1036.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
7103(a) .....	42:4252(a).	Dec. 5, 1974, Pub. L. 93-510, §3, 88 Stat. 1604.
7103(b) .....	42:4252(b).	
7103(c) .....	42:4252(c).	

In subsection (a), before clause (1), the words “as may be necessary or appropriate” are omitted as unneces-

sary. The words “to carry out section 7101 of this title” are substituted for “in accordance with its purposes” as being more precise. The word “requiring” is substituted for “that will assure that” to eliminate unnecessary words. The words “to be jointly financed under this chapter” are substituted for “funded pursuant to the provisions of this chapter” for clarity and consistency. In clause (1), the words “States and local governments” are substituted for “non-Federal agencies” for clarity and because of the definition in section 7102.

In subsection (b), before clause (1), the words “under subsection (a) of this section” are substituted for “as the President may prescribe” because of the restatement. The words “applicable” and “take the following actions” are omitted as unnecessary. In clauses (1), (3), and (4), the words “joint financing” are substituted for “joint support” and “joint use of funds” for consistency in the revised chapter. In clause (1), the words “or appropriate” and “thereunder” are omitted as unnecessary. In clause (3), the words “to identify” are substituted for “in order to determine”, and the word “modify” is substituted for “the extent to which such requirements may be modified” and “making such modifications”, to eliminate unnecessary words. In clause (5), the words “or mechanisms” and “for designation” are omitted as unnecessary.

In subsection (c), the words “take maximum action” are substituted for “be responsible for taking actions, to the maximum extent permitted under applicable law” to eliminate unnecessary words. The words “to carry out section 7101 of this title” are substituted for “that will further the purpose of this chapter” and “to promote the purposes of this chapter” as being more precise. The words “in conducting” are substituted for “with respect to” for clarity. The words “used jointly to finance” are substituted for “used jointly in support of” for consistency in the revised chapter. The words “Each Federal agency head shall also” and the words “in order similarly” are omitted as surplus.

**Executive Documents**

EXECUTIVE ORDER NO. 11867

Ex. Ord. No. 11867, eff. June 19, 1975, 40 F.R. 26253, which delegated to Administrator of General Services authority to issue regulations, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

EX. ORD. NO. 11893. TRANSFERRING CERTAIN FUNCTIONS FROM GENERAL SERVICES ADMINISTRATION TO OFFICE OF MANAGEMENT AND BUDGET

Ex. Ord. No. 11893, eff. Dec. 31, 1975, 41 F.R. 1040, provided:

By virtue of the authority vested in me as President by the Constitution and Statutes of the United States, particularly by section 301 of title 3 of the United States Code, the Federal Property and Administrative Services Act of 1949, as amended, the Budget and Accounting Act, 1921, as amended, the Budget and Accounting Procedures Act of 1950, as amended, Reorganization Plan No. 2 of 1970 [set out in the Appendix to Title 5, Government Organization and Employees]; and section 5317 of title 5 of the United States Code, it is hereby ordered as follows:

SECTION 1. There are hereby transferred to the Director of the Office of Management and Budget all policy functions that were transferred to the Administrator of General Services by Section 1 (1) of Executive Order No. 11717, dated May 9, 1973 [set out as a note under section 501 of Title 31, Money and Finance], and Executive Order No. 11867, dated June 19, 1975 [formerly set out above].

SEC. 2. The Director of the Office of Management and Budget shall continue to perform policy formulation and general oversight functions with regard to the other transfers made by Executive Order No. 11717 and Executive Order No. 11867. No function vested by statute in the Administrator shall be deemed to be affected by the provisions of this order.

SEC. 3. So much of the personnel, property and records attendant to the functions transferred by this order as the Director of the Office of Management and Budget shall determine, shall be transferred to the Office of Management and Budget, at such times as the Director shall specify.

SEC. 4. Executive Order No. 11717 of May 9, 1973, and Executive Order No. 11867 of June 19, 1975, are hereby superseded to the extent that they are inconsistent with this order. Any circulars, directives, or regulations issued pursuant to functions transferred by this order shall remain in effect until modified or rescinded by the Office of Management and Budget.

SEC. 5. Section 2 of Executive Order No. 11861 of May 21, 1975, as amended [formerly set out as a note under section 5317 of Title 5, Government Organization and Employees], placing certain positions in level V of the Executive Schedule, is further amended by deleting "(9) Associate Administrator for Federal Management Policy, General Services Administration."

SEC. 6. This order shall be effective as of December 31, 1975.

GERALD R. FORD.

**§ 7104. Processing project requests to be financed by at least 2 assistance programs**

In processing an application or request for assistance for a project to be financed by at least 2 assistance programs, the head of an executive agency shall take action that will ensure that—

- (1) required reviews and approvals are handled expeditiously;
- (2) complete account is taken of special considerations of timing that are made known by the applicant that would affect the feasibility of a jointly financed project;
- (3) an applicant is required to deal with a minimum number of representatives of the United States Government;
- (4) an applicant is promptly informed of a decision or special problem that could affect the feasibility of providing joint assistance under the application; and
- (5) an applicant is not required to get information or assurances from one executive agency for a requesting executive agency when the requesting agency may get the information or assurances directly.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1037.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
7104 .....	42:4253.	Dec. 5, 1974, Pub. L. 93-510, §4, 88 Stat. 1605.

In the section, before clause (1), the words "for a project to be financed by at least 2 assistance programs" are substituted for "under two or more Federal programs in support of any project" for consistency in the revised chapter. The words "shall take action" are substituted for "Actions taken by Federal agency heads pursuant to this chapter that relate to", and the words "that will ensure" are substituted for "shall be designed to assure", to eliminate unnecessary words. The words "so far as reasonably possible" are omitted as surplus. In clause (4), the word "impediments" is omitted as surplus. The word "providing" is substituted for "Federal provision of", and the words "joint assistance under the application" are substituted for "on a joint basis", to eliminate unnecessary words. Clause (5) is substituted for 42:4253(5) because of the restatement.

**§ 7105. Prescribing uniform technical and administrative provisions**

(a) To make participation in a project easier than would be possible because of varying or conflicting technical or administrative regulations and procedures not required by law, the head of an executive agency may prescribe uniform provisions about inconsistent or conflicting requirements on—

- (1) financial administration of the project (including accounting, reporting and auditing, and maintaining a separate bank account), to the extent consistent with section 7108 of this title;
- (2) the timing of payments by the United States Government for the project when one schedule or a combined schedule is to be established for the project;
- (3) providing assistance by grant rather than procurement contract or by procurement contract rather than by grant; and
- (4) accountability for, or the disposition of, records, property, or structures acquired or constructed with assistance from the Government when common regulations are established for the project.

(b) To make easier the processing of applications for assistance, the head of an executive agency may provide for review of proposals for a project by one panel, board, or committee where reviews by separate panels, boards, or committees are not specifically required by law.

(c) Notwithstanding a requirement that one public agency or a specific public agency be established or designated to carry out or supervise that part of the assistance from the Government under an assistance program for a jointly financed project, the head of the executive agency carrying out the program may waive the requirement when—

- (1) administration by another public agency is consistent with State or local law and the objectives of the assistance program; and
- (2)(A) the waiver is requested by the head of a unit of general government certifying jurisdiction over the public agencies concerned; or
- (B) the State or local public agencies concerned agree to the waiver.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1037.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
7105(a) .....	42:4255(a).	Dec. 5, 1974, Pub. L. 93-510, §6, 88 Stat. 1606.
7105(b) .....	42:4255(b).	
7105(c) .....	42:4255(c).	

In subsection (a), before clause (1), the words "To make participation in a project easier than would be possible" are substituted for "In order to provide for projects" for clarity. The words "because of" are substituted for "that would otherwise be subject to" to eliminate unnecessary words. The word "prescribe" is substituted for "adopt", and the word "about" is substituted for "with respect to", for consistency in the revised title. In clause (2), the words "payments by the United States Government" are substituted for "Federal payments" for consistency in the revised title. In clause (3), the words "providing assistance by" are substituted for "that assistance be extended in the form of" to eliminate unnecessary words. The word "pro-