



Department of Defense **DIRECTIVE**

NUMBER 3210.06

February 6, 2014

Incorporating Change 2, October 15, 2018

USD(R&E)

SUBJECT: Defense Grant and Agreement Regulatory System (DGARS)

References: See Enclosure 1

1. **PURPOSE.** This directive reissues DoD Directive 3210.6 (Reference (a)) to:
 - a. Update established policy and assigned responsibilities for the DGARS.
 - b. Provide for DoD Components' use of the policies and procedures in the regulations published in Chapter I, Subchapter C of Title 32, Code of Federal Regulations (Reference (b)) and Chapter XI of Title 2, Code of Federal Regulations (Reference (c)). References (b) and (c) are also known and referred to collectively in this directive as the "DoD Grant and Agreement Regulations."
 - c. Cancel DoD 3210.6-R (Reference (d)).
2. **APPLICABILITY.** This directive applies to OSD, the Military Departments, and all Defense Agencies, DoD Field Activities, and other organizational entities within the DoD that are authorized to award or administer grants, cooperative agreements, and other non-procurement transactions subject to the DGARS (referred to collectively in this directive as the "DoD Components").
3. **POLICY.** It is DoD policy that:
 - a. Grants and cooperative agreements may be used only for purposes that are in accordance with chapter 63 of Title 31, United States Code (Reference (e)), also known as "The Federal Grant and Cooperative Agreement Act of 1977." Exceptions may be made where statute permits otherwise.
 - b. Grants and cooperative agreements must be awarded through competition in every case in which statute requires competition and to the maximum extent practicable in all other cases.

c. DoD Components' award and administration of non-procurement transactions subject to the DGARS must be in accordance with all applicable DGARS issuances, including applicable provisions of the DoD Grant and Agreement Regulations.

d. The DGARS will:

(1) Be responsive to DoD needs for efficient program execution, effective program oversight, and proper stewardship of federal funds.

(2) Provide for compliance with relevant statutes and Executive orders and for DoD implementation of applicable guidance, such as circulars of the Office of Management and Budget.

(3) Provide for collection, retention, and dissemination of management and fiscal data related to non-procurement transactions subject to the DGARS to:

(a) Support policy formulation.

(b) Meet Federal Government-wide reporting requirements.

(c) Support the Office of the Inspector General of the Department of Defense in meeting its responsibilities for audit and oversight.

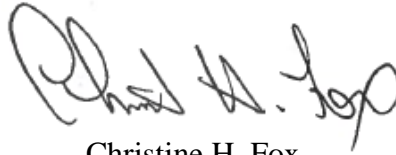
(4) Apply to DoD grants and cooperative agreements. If implementation of statutes, Executive orders, or Federal Government-wide circulars or rulemakings requires the DoD to issue rules or policies applicable to other non-procurement agreements, in addition to grants and cooperative agreements, the DGARS may include the rules or policies. The DGARS must state the applicability of those rules or policies to other non-procurement agreements.

4. RESPONSIBILITIES. See Enclosure 2.

5. RELEASABILITY. Cleared for public release. This directive is available on the Directives Division Website at <http://www.esd.whs.mil/DD>.

6. SUMMARY OF CHANGE 2. This change reassigns the office of primary responsibility for this directive to the Under Secretary of Defense for Research and Engineering in accordance with the July 13, 2018 Deputy Secretary of Defense Memorandum (Reference (f)).

7. EFFECTIVE DATE. This directive is effective February 6, 2014.

A handwritten signature in black ink, appearing to read "Christine H. Fox". The signature is stylized and cursive.

Christine H. Fox
Acting Deputy Secretary of Defense

Enclosures

1. References
2. Responsibilities

Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 3210.6, "Defense Grant and Agreement Regulatory System (DGARS)," December 17, 2003 (hereby cancelled)
- (b) Chapter I, Subchapter C of Title 32, Code of Federal Regulations
- (c) Chapter XI of Title 2, Code of Federal Regulations
- (d) DoD 3210.6-R, "Department of Defense Grant and Agreement Regulations," April 13, 1998, as amended (hereby cancelled)
- (e) Chapter 63 of Title 31, United States Code
- (f) Deputy Secretary of Defense Memorandum, "Establishment of the Office of the Under Secretary of Defense for Research and Engineering and the Office of the Under Secretary of Defense for Acquisition and Sustainment," July 13, 2018
- (g) Title 10, United States Code
- (h) Section 3710a of Title 15, United States Code

ENCLOSURE 2

RESPONSIBILITIES

1. ASSISTANT SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING (ASD(R&E)). Under the authority, direction, and control of the Under Secretary of Defense for Acquisition, Technology, and Logistics, the ASD(R&E):

a. Develops and implements DGARS policies and procedures through the issuance of the DoD Grant and Agreement Regulations and, as necessary, DoD instructions and other issuances. The ASD(R&E) will coordinate changes to the DoD Grant and Agreement Regulations with the Military Departments and other appropriate DoD Components, in addition to publishing them in the Federal Register.

b. Develops and implements policies and procedures in the DGARS for use of non-procurement transactions other than grants and cooperative agreements that are authorized by section 2371 of Title 10, United States Code (Reference (g)). The ASD(R&E) may include the policies and procedures in the DoD Grant and Agreement Regulations where doing so is appropriate; he or she may otherwise include them in DoD instructions or other issuances. For these purposes, the ASD(R&E) is delegated the authorities and responsibilities of the Secretary of Defense pursuant to section 2371 of Reference (g) as it applies to non-procurement instruments, with the authority to redelegate.

2. OSD AND DoD COMPONENT HEADS. The OSD and DoD Component heads will ensure compliance with the DoD Grant and Agreement Regulations, as published in the Code of Federal Regulations, and other DGARS policies and procedures within their respective Components.

3. SECRETARIES OF THE MILITARY DEPARTMENTS AND DIRECTORS OF THE DEFENSE AGENCIES. The Secretary of the Military Departments and Directors of the Defense Agencies must each:

a. Designate an official who is authorized to coordinate on DGARS provisions for the Component, if the Component uses grants, cooperative agreements, or other non-procurement transactions subject to the DGARS.

b. Provide written notification within 120 days to the ASD(R&E) any time that a new official is designated to coordinate on DGARS provisions for the Component in accordance with paragraph 3a of this enclosure.

4. DIRECTORS OF THE DEFENSE AGENCIES. In addition to the responsibilities in section 3 of this enclosure, the Directors of the Defense Agencies are delegated:

a. The authority of the Secretary of Defense pursuant to section 2358 of Reference (g) to perform research and development projects by grant or cooperative agreement.

b. The associated responsibility of the Secretary of Defense pursuant to section 2358 of Reference (g) to determine that a research project or study is of interest to the DoD before using any funds appropriated to the DoD to finance the project or study.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ASD(R&E) Assistant Secretary of Defense for Research and Engineering

DGARS Defense Grant and Agreement Regulatory System

PART II. DEFINITIONS

These terms and their definitions are for the purposes of this directive.

cooperative agreement. A legal instrument used to enter into the same kind of relationship as a grant (see definition, below), except that substantial involvement is expected between the DoD and the recipient when carrying out the activity contemplated by the cooperative agreement. The term does not include cooperative research and development agreements as defined in section 3710a of Title 15, United States Code (Reference (h)).

DGARS. A system of policies and procedures to guide DoD grants and cooperative agreements that includes the DoD Grant and Agreement Regulations and other issuances. It governs other non-procurement transactions, in addition to grants and cooperative agreements, where its provisions so indicate.

grant. A legal instrument used to enter into a relationship, the principal purpose of which is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, rather than to acquire property or services for the DoD's direct benefit or use. Further, it is a relationship in which substantial involvement is not expected between the DoD and the recipient when carrying out the activity contemplated by the grant.