

Federal Assistance: Grants and Cooperative Agreements Practices and Industries

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Haynes Boone advises on federal assistance agreements, including grants, cooperative agreements, loans, and loan guarantees, and other federal awards. We deliver high caliber, cost-effective legal solutions to a diverse clientele of recipients, subrecipients, and grantee contractors.

Federal assistance spending has been in excess of \$1 trillion a year. That money supports about 1,800 different funding opportunities issued by approximately 28 federal agencies. The Office of Management and Budget estimates that more than 40,000 grant recipients receive federal funding annually, which includes state and local governments, universities, non-profits, tribes, and small businesses. The funds support activities that touch every American, such as medical research, education, transportation, infrastructure, workforce initiatives, economic development, and services for veterans. Federal assistance serves a variety of purposes such as fostering national goals and values; supporting strategic policies; stimulating the economy and encouraging private sector involvement; and furnishing aid of a certain type, or to a class of beneficiaries, that the states and private sector cannot help, or are otherwise unable or unwilling to accommodate.

Recent legislation has expanded federal assistance opportunities even more in the coming years. The Inflation Reduction Act (IRA), Infrastructure Investment and Jobs Act (IIJA) and the CHIPS and Science Act will add billions of dollars in additional federal assistance. Recipients will have to comply with a host of new rules, however. Our experienced federal grants practitioners closely track new legal requirements and help applicants and recipients navigate them.

Our team includes the authors of Federal Grant Practice and related Briefing Papers published by Thomson Reuters addressing “Domestic Preferences and Other Supply Chain Issues” (Issue 22-9, August 2022) and “Threading the Needle: Navigating Jurisdictional Challenges To Resolve Disputes With The Government Under Federal Assistance Agreements” (Issue 20-12, November 2020).

Our team counsels and represents clients in complex matters including:

- Grant litigation and dispute resolution
- Grant management and administration
- Cost accounting and allowability issues

- Compliance risk assessments and gap analyses
- Classification of recipients, subrecipients, and contractors
- Domestic preference requirements under the Build America, Buy America (BABA) Act
- Davis Bacon Related Acts (DBRA) requirements
- Intellectual property and data rights counseling
- Freedom of Information Act (FOIA) requests and reverse FOIA responses

Related Publications and Presentations

- “[Build America, Buy America: Be Aware](#),” The Virginia Lawyer, December 7, 2023.
- “[Build America, Buy America and Construction Contractors: Best Practices for Compliance, Contract Considerations](#),” Strafford Publications, December 5, 2023.
- “[Federally Funded Construction Regulatory Update: A Primer On The Revisions To The Davis-Bacon And Related Acts Regulations And The Build America Buy America Final Guidance](#),” *Thomson Reuters*, Issue 23-12, November 2023.
 - [Executive Summary of Article](#)
- “[Federal Grant Practice: A Guide for the Government and Grantees](#),” 2023 Edition, Thomson Reuters, September 2023.
- “Federal Grantee Contracting: Domestic Preferences and Other Supply Chain Issues,” *Briefing Papers* Issue 22-9, August 2022.
- “Threading the Needle: Navigating Jurisdictional Challenges To Resolve Disputes With The Government Under Federal Assistance Agreements,” *Briefing Papers*, Issue 20-12, November 2020.