AMENDMENTS

1973—Subsec. (a). Pub. L. 93–117, § 8(a), provided for neighborhood facility grant authorization of $40,000,000 for fiscal year commencing July 1, 1973.

Subsec. (b). Pub. L. 93–117, § 8(b), substituted ''July 1, 1974'' for ''September 30, 1972''.

1972—Subsec. (b). Pub. L. 92–335 substituted ''September 30, 1972'' for ''July 1, 1972''.

1970—Subsec. (a). Pub. L. 91–609, § 304(a), authorized appropriation of $50,000,000 for fiscal year commencing July 1, 1971, for grants under section 3103 of this title.

Pub. L. 91–431, § 3(a), authorized appropriations for grants under section 3102 of this title of not to exceed $1,000,000,000 for fiscal year commencing July 1, 1970.

Subsec. (b). Pub. L. 91–609, § 304(b), substituted ''July 1, 1972'' for ''July 1, 1971''.

Pub. L. 91–431, § 3(b), substituted ''July 1, 1972'' for ''July 1, 1971''.

1969—Subsec. (a). Pub. L. 91–152, § 305(c), authorized appropriations of not more than $100,000,000 for fiscal year commencing July 1, 1970.

Subsec. (b). Pub. L. 91–152, § 305(b), substituted ''July 1, 1971'' for ''July 1, 1970''.

1968—Subsec. (a). Pub. L. 90–448, § 605(b), authorized appropriations of not more than $350,000,000 for fiscal year commencing July 1, 1968, and not more than $115,000,000 for fiscal year commencing July 1, 1969.

Subsec. (b). Pub. L. 90–448, § 605(a), substituted ''July 1, 1970'' for ''July 1, 1969''.

CONGRESSIONAL STATEMENT OF FINDINGS

Section 2 of Pub. L. 91–431 provided that:

''(a) The Congress finds that a large number of municipalities and other entities of local government throughout the Nation are unable to finance construction of vital and urgently needed public facilities because of the shortage of funds for long-term borrowing.

''(b) The Congress further finds that there is an immediate need for such facilities in order to provide basic safeguards for the health and well-being of the people of the United States, to check widespread pollution of irreplaceable water sources, and to provide an effective and practical method of combating rising unemployment.''

ADMINISTRATIVE PRIORITY FOR APPLICATIONS RELATING TO ACTIVITIES IN AREAS AFFECTED BY BASE CLOSINGS

State or unit of local government or agency thereof affected by reduction in level of expenditure or employment at Department of Defense installation located in or near such State or unit of local government, priority in processing applications for assistance under this section, see section 1453a of this title.

CHAPTER 38—PUBLIC WORKS AND ECONOMIC DEVELOPMENT

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§ 3121. Findings and declarations

(a) Findings

Congress finds that—

(1) there continue to be areas of the United States experiencing chronic high unemployment, underemployment, outmigration, and low per capita incomes, as well as areas facing sudden and severe economic dislocations because of structural economic changes, changing trade patterns, certain Federal actions (including environmental requirements that result in the removal of economic activities from a locality), and natural disasters;

(2) economic growth in the States, cities, and rural areas of the United States is produced by expanding economic opportunities, expanding free enterprise through trade, developing and strengthening public infrastructure, and creating a climate for job creation and business development;

(3) the goal of Federal economic development programs is to raise the standard of living for all citizens and increase the wealth and overall rate of growth of the economy by encouraging communities to develop a more competitive and diversified economic base by—

(A) creating an environment that promotes economic activity by improving and expanding public infrastructure;

(B) promoting job creation through increased innovation, productivity, and entrepreneurship; and

(C) empowering local and regional communities experiencing chronic high unemployment and low per capita income to develop private sector business and attract increased private sector capital investment;

(4) while economic development is an inherently local process, the Federal Government should work in partnership with public and private State, regional, tribal, and local organizations to maximize the impact of existing resources and enable regions, communities, and citizens to participate more fully in the American dream and national prosperity;

(5) in order to avoid duplication of effort and achieve meaningful, long-lasting results, Federal, State, tribal, and local economic development activities should have a clear focus, improved coordination, a comprehensive approach, and simplified and consistent requirements; and

(6) Federal economic development efforts will be more effective if the efforts are coordinated with, and build upon, the trade, workforce investment, transportation, and technology programs of the United States.

(b) Declarations

In order to promote a strong and growing economy throughout the United States, Congress declares that—

(1) assistance under this chapter should be made available to both rural- and urban-distressed communities;

(2) local communities should work in partnership with neighboring communities, the States, Indian tribes, and the Federal Government to increase the capacity of the local communities to develop and implement comprehensive economic development strategies to alleviate economic distress and enhance competitiveness in the global economy;

(3) whether suffering from long-term distress or a sudden dislocation, distressed communities should be encouraged to support entrepreneurship to take advantage of the development opportunities afforded by technological innovation and expanding newly opened global markets; and

(4) assistance under this chapter should be made available to promote the productive reuse of abandoned industrial facilities and the redevelopment of brownfields.

(Pub. L. 89–136, § 2, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3598; amended Pub. L. 108–373, title I, § 101, Oct. 27, 2004, 118 Stat. 1757.)

PRIOR PROVISIONS

A prior section 3121, Pub. L. 89–136, § 2, Aug. 26, 1965, 79 Stat. 552; Pub. L. 94–487, title I, § 102, Oct. 12, 1976, 90 Stat. 2331, set forth congressional findings and statement of purpose of chapter, prior to repeal by Pub. L. 105–393, § 102(a).

AMENDMENTS

2004—Pub. L. 108–373 reenacted section catchline without change and amended text generally, substituting pars. (1) to (6) for former pars. (1) to (8) in subsec. (a) and pars. (1) to (4) for former pars. (1) to (3) in subsec. (b).

EFFECTIVE DATE

Pub. L. 105–393, title I, § 105, Nov. 13, 1998, 112 Stat. 3618, provided that: ''This title [see Short Title of 1998 Amendment note set out below] and the amendments made by this title shall take effect on a date determined by the Secretary of Commerce, but not later than 90 days after the date of enactment of this Act [Nov. 13, 1998].'' [Effective Feb. 11, 1999, see 64 F.R. 9222.]

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108–373, § 1(a), Oct. 27, 2004, 118 Stat. 1756, provided that: ''This Act [enacting sections 3154 to 3154d, 3221, 3222, and 3234 of this title, amending this section and sections 3122, 3131, 3133, 3143 to 3147, 3149, 3151, 3161, 3162, 3174, 3192, 3196, 3212, 3213, 3219, and 3231 of this title, and repealing sections 3148, 3173, and 3195 of this title] may be cited as the 'Economic Development Administration Reauthorization Act of 2004'.''

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105–393, § 1(a), Nov. 13, 1998, 112 Stat. 3596, provided that: ''This Act [see Tables for classification] may be cited as the 'Economic Development Administration and Appalachian Regional Development Reform Act of 1998'.''

Pub. L. 105–393, title I, § 101, Nov. 13, 1998, 112 Stat. 3597, provided that: ''This title [enacting subchapters I to VII of this chapter, transferring section 3222 of this title to section 3212 of this title, amending section 5316 of Title 5, Government Organization and Employees, repealing former subchapters I to X of this chapter, enacting provisions set out as notes under this section, and repealing provisions set out as a note under this section] may be cited as the 'Economic Development Administration Reform Act of 1998'.''

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94–487, § 101, Oct. 12, 1976, 90 Stat. 2331, provided that: ''This Act [enacting sections 3137, 3144, 3173, and 3246h of this title, amending this section and sections 3131, 3132, 3135, 3141, 3142, 3151a, 3152, 3153, 3161, 3171, 3172, 3188a, 3214, 3241, 3243, 3245, 3246a to 3246c, and 3246e to 3246g of this title, repealing section 3246d of this title, enacting provisions set out as notes under this section, and amending provisions set out as a note under section 3162 of this title] may be cited as the

'Public Works and Economic Development Act Amendments of 1976'.''

SHORT TITLE OF 1975 AMENDMENTS

Pub. L. 94–188, §1, Dec. 31, 1975, 89 Stat. 1079, provided: ''That this Act [enacting sections 3194 to 3196 of this title and sections 225 and 303 of the Appendix to former Title 40, Public Buildings, Property, and Works, amending sections 3181, 3182, 3188a and 3192 of this title, and sections 2, 101, 102, 105–107, 201, 202, 205, 207, 211, 214, 223, 224, 302, 401 and 405 of the Appendix to former Title 40, repealing section 3134 of this title, and enacting provisions set out as notes under sections 3181 and 3183 of this title and sections 1, 2 and 201 of the Appendix of former Title 40] may be cited as the 'Regional Development Act of 1975'.''

Pub. L. 94–188, title II, §201, Dec. 31, 1975, 89 Stat. 1087, provided that: ''This title [enacting sections 3194 to 3196 of this title, amending sections 3181, 3182, 3188a, and 3192 of this title, and enacting provisions set out as note under section 3183 of this title] may be cited as the 'Regional Action Planning Commission Improvement Act of 1975'.''

SHORT TITLE OF 1974 AMENDMENT

Pub. L. 93–567, §1, Dec. 31, 1974, 88 Stat. 1845, provided: ''That this Act [enacting sections 3246 to 3246g of this title and sections 961 to 966 of Title 29, Labor, amending section 1244 of Title 20, Education, and sections 841, 842, 844, 845, 849 to 851, 981, and 983 of Title 29, and enacting provisions set out as notes under sections 3304 of Title 26, Internal Revenue Code, and 4102 of Title 38, Veterans' Benefits] may be cited as the 'Emergency Jobs and Unemployment Assistance Act of 1974'.''

SHORT TITLE OF 1971 AMENDMENT

Pub. L. 92–65, title I, §101, Aug. 5, 1971, 85 Stat. 166, provided that: ''This title [enacting section 3123 of this title and amending this section, sections 3135, 3141, 3152, 3161, 3162, 3171, 3188a, and 3191 of this title, and provisions set out as a note under section 3162 of this title] may be cited as the 'Public Works and Economic Development Act Amendments of 1971'.''

SHORT TITLE OF 1969 AMENDMENT

Pub. L. 91–123, title II, §201, Nov. 25, 1969, 83 Stat. 216, provided that: ''This title [enacting sections 3190, 3191, and 3192 of this title and amending this section and sections 3185, 3186, and 3188a of this title] may be cited as the 'Regional Action Planning Commission Amendments of 1969'.''

SHORT TITLE

Pub. L. 89–136, §1(a), as added Pub. L. 105–393, title I, §102(a), Nov. 13, 1998, 112 Stat. 3597, provided that: ''This Act [enacting this chapter] may be cited as the 'Public Works and Economic Development Act of 1965'.''

A prior section 1 of Pub. L. 89–136, which provided that Pub. L. 89–136 could be cited as the ''Public Works and Economic Development Act of 1965'', was repealed by Pub. L. 105–393, title I, §102(a), Nov. 13, 1998, 112 Stat. 3597.

TRANSITION PROVISIONS

Pub. L. 105–393, title I, §104, Nov. 13, 1998, 112 Stat. 3617, provided that:

''(a) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS.—This title [see Short Title of 1998 Amendment note set out above], including the amendments made by this title, does not affect the validity of any right, duty, or obligation of the United States or any other person arising under any contract, loan, or other instrument or agreement that was in effect on the day before the effective date of this title [see Effective Date note set out above].

''(b) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against any officer or employee of the Economic Development Administration shall abate by reason of the enactment of this title.

''(c) LIQUIDATING ACCOUNT.—The Economic Development Revolving Fund established under section 203 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3143) (as in effect on the day before the effective date of this title) shall continue to be available to the Secretary of Commerce as a liquidating account (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) for payment of obligations and expenses in connection with financial assistance provided under—

''(1) the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.);

''(2) the Area Redevelopment Act (42 U.S.C. 2501 et seq.); and

''(3) the Trade Act of 1974 (19 U.S.C. 2101 et seq.).

''(d) ADMINISTRATION.—The Secretary of Commerce shall take such actions authorized before the effective date of this title as are appropriate to administer and liquidate grants, contracts, agreements, loans, obligations, debentures, or guarantees made by the Secretary under law in effect before the effective date of this title.''

DENALI COMMISSION

Pub. L. 105–277, div. C, title III, Oct. 21, 1998, 112 Stat. 2681–637, as amended by Pub. L. 106–31, title I, §105(a), May 21, 1999, 113 Stat. 62; Pub. L. 106–113, div. B, §1000(a)(4) [title VII, §701], Nov. 29, 1999, 113 Stat. 1535, 1501A–280; Pub. L. 108–7, div. A, title VII, §749, div. D, title V, §504, Feb. 20, 2003, 117 Stat. 44, 158; Pub. L. 108–199, div. B, title I, §112(d), div. E, title II, §222, Jan. 23, 2004, 118 Stat. 63, 256; Pub. L. 108–447, div. H, title V, §521, Dec. 8, 2004, 118 Stat. 3268; Pub. L. 109–59, title I, §1960, Aug. 10, 2005, 119 Stat. 1516, provided that:

''SEC. 301. SHORT TITLE.

''This title may be cited as the 'Denali Commission Act of 1998'.

''SEC. 302. PURPOSES.

''The purposes of this title are as follows:

''(1) To deliver the services of the Federal Government in the most cost-effective manner practicable by reducing administrative and overhead costs.

''(2) To provide job training and other economic development services in rural communities particularly distressed communities (many of which have a rate of unemployment that exceeds 50 percent).

''(3) To promote rural development, provide power generation and transmission facilities, modern communication systems, water and sewer systems and other infrastructure needs.

''SEC. 303. ESTABLISHMENT OF COMMISSION.

''(a) ESTABLISHMENT.—There is established a commission to be known as the Denali Commission (referred to in this title as the 'Commission').

''(b) MEMBERSHIP.—

''(1) COMPOSITION.—The Commission shall be composed of 7 members, who shall be appointed by the Secretary of Commerce (referred to in this title as the 'Secretary'), of whom—

''(A) one shall be the Governor of the State of Alaska, or an individual selected from nominations submitted by the Governor, who shall serve as the State Cochairperson;

''(B) one shall be the President of the University of Alaska, or an individual selected from nominations submitted by the President of the University of Alaska;

''(C) one shall be the President of the Alaska Municipal League or an individual selected from nominations submitted by the President of the Alaska Municipal League;

''(D) one shall be the President of the Alaska Federation of Natives or an individual selected from nominations submitted by the President of the Alaska Federation of Natives;

''(E) one shall be the Executive President of the Alaska State AFL–CIO or an individual selected from nominations submitted by the Executive President;

''(F) one shall be the President of the Associated General Contractors of Alaska or an individual selected from nominations submitted by the President of the Associated General Contractors of Alaska; and

''(G) one shall be the Federal Cochairperson, who shall be selected in accordance with the requirements of paragraph (2).

''(2) FEDERAL COCHAIRPERSON.—

''(A) IN GENERAL.—The President pro temporare [sic] of the Senate and the Speaker of the House of Representatives shall each submit a list of nominations for the position of the Federal Cochairperson under paragraph (1)(G), including pertinent biographical information, to the Secretary.

''(B) APPOINTMENT.—The Secretary shall appoint the Federal Cochairperson from among the list of nominations submitted under subparagraph (A). The Federal Cochairperson shall serve as an employee of the Department of Commerce, and may be removed by the Secretary for cause.

''(C) FEDERAL COCHAIRPERSON VOTE.—The Federal Cochairperson appointed under this paragraph shall break any tie in the voting of the Commission.

''(4) DATE.—The appointments of the members of the Commission shall be made no later than January 1, 1999.

''(c) PERIOD OF APPOINTMENT; VACANCIES.—The Federal Cochairperson shall serve for a term of four years and may be reappointed. All other members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

''(d) MEETINGS.—

''(1) IN GENERAL.—The Commission shall meet at the call of the Federal Cochairperson not less frequently than 2 times each year, and may, as appropriate, conduct business by telephone or other electronic means.

''(2) NOTIFICATION.—Not later than 2 weeks before calling a meeting under this subsection, the Federal Cochairperson shall—

''(A) notify each member of the Commission of the time, date and location of that meeting; and

''(B) provide each member of the Commission with a written agenda for the meeting, including any proposals for discussion and consideration, and any appropriate background materials.

''(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

''SEC. 304. DUTIES OF THE COMMISSION.

''(a) WORK PLAN.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 21, 1998] and annually thereafter, the Commission shall develop a proposed work plan for Alaska that meets the requirements of paragraph (2) and submit that plan to the Federal Cochairperson for review in accordance with the requirements of subsection (b).

''(2) WORK PLAN.—In developing the work plan, the Commission shall—

''(A) solicit project proposals from local governments and other entities and organizations; and

''(B) provide for a comprehensive work plan for rural and infrastructure development and necessary job training in the area covered under the work plan.

''(3) REPORT.—Upon completion of a work plan under this subsection, the Commission shall prepare, and submit to the Secretary, the Federal Cochairperson, and the Director of the Office of Management and Budget, a report that outlines the work plan and contains recommendations for funding priorities.

''(b) REVIEW BY FEDERAL COCHAIRPERSON.—

''(1) IN GENERAL.—Upon receiving a work plan under this section, the Secretary, acting through the Federal Cochairperson, shall publish the work plan in the Federal Register, with notice and an opportunity for public comment. The period for public review and comment shall be the 30-day period beginning on the date of publication of that notice.

''(2) CRITERIA FOR REVIEW.—In conducting a review under paragraph (1), the Secretary, acting through the Federal Cochairperson, shall—

''(A) take into consideration the information, views, and comments received from interested parties through the public review and comment process specified in paragraph (1); and

''(B) consult with appropriate Federal officials in Alaska including but not limited to Bureau of Indian Affairs, Economic Development Administration, and Rural Development Administration.

''(3) APPROVAL.—Not later than 30 days after the end of the period specified in paragraph (1), the Secretary acting through the Federal Cochairperson, shall—

''(A) approve, disapprove, or partially approve the work plan that is the subject of the review; and

''(B) issue to the Commission a notice of the approval, disapproval, or partial approval that—

''(i) specifies the reasons for disapproving any portion of the work plan; and

''(ii) if applicable, includes recommendations for revisions to the work plan to make the plan subject to approval.

''(4) REVIEW OF DISAPPROVAL OR PARTIAL APPROVAL.—If the Secretary, acting through the Federal Cochairperson, disapproves or partially approves a work plan, the Federal Cochairperson shall submit that work plan to the Commission for review and revision.

''SEC. 305. POWERS OF THE COMMISSION.

''(a) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as it considers necessary to carry out the provisions of this Act [title]. Upon request of the Federal Cochairperson of the Commission, the head of such department or agency shall furnish such information to the Commission. Agencies must provide the Commission with the requested information in a timely manner. Agencies are not required to provide the Commission any information that is exempt from disclosure by the Freedom of Information Act [5 U.S.C. 552]. Agenices [sic] may, upon request by the Commission, make services and personnel available to the Commission to carry out the duties of the Commission. To the maximum extent practicable, the Commission shall contract for completion of necesssary [sic] work utilizing local firms and labor to minimize costs.

''(b) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

''(d) The Commission, acting through the Federal Cochairperson, is authorized to enter into contracts and cooperative agreements, award grants, and make payments necessary to carry out the purposes of the Commission. With respect to funds appropriated to the Commission for fiscal year 1999, the Commission, acting through the Federal Cochairperson, is authorized to enter into contracts and cooperative agreements, award grants, and make payments to implement an interim work plan for fiscal year 1999 approved by the Commission.

''SEC. 306. COMMISSION PERSONNEL MATTERS.

''(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during the time such member is engaged in the performance of the duties of the Commission. The Federal Cochairperson shall be

compensated at the annual rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code. All members of the Commission who are officers or employees of the United States shall serve without compensation that is in addition to that received for their services as officers or employees of the United States.

''(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

''(c) STAFF.—

''(1) IN GENERAL.—The Federal Cochairperson of the Commission may, without regard to the civil service laws and regulations, appoint such personnel as may be necessary to enable the Commission to perform its duties.

''(2) COMPENSATION.—The Federal Cochairperson of the Commission may fix the compensation of personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

''(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Federal Cochairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

''(f) OFFICES.—The principal office of the Commission shall be located in Alaska, at a location that the Commission shall select.

''(g) ADMINISTRATIVE EXPENSES AND RECORDS.—The Commission is hereby prohibited from using more than 5 percent of the amounts appropriated under the authority of this Act [probably means this title] or transferred pursuant to section 329 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of this Act) [43 U.S.C. 1653 note] for administrative expenses. The Commission and its grantees shall maintain accurate and complete records which shall be available for audit and examination by the Comptroller General or his or her designee.

''(h) INSPECTOR GENERAL.—[Amended section 8G of the Inspector General Act, 5 U.S.C. App.]

''SEC. 307. SPECIAL FUNCTIONS.

''(a) RURAL UTILITIES.—In carrying out its functions under this title, the Commission shall as appropriate, provide assistance, seek to avoid duplicating services and assistance, and complement the water and sewer wastewater programs under section 306D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d) and section 303 of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1263a).

''(b) BULK FUELS.—Funds transferred to the Commission pursuant to section 329 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of this Act) [43 U.S.C. 1653 note] shall be available without further appropriation and until expended. The Commission, in consultation with the Commandant of the Coast Guard, shall develop a plan to provide for the repair or replacement of bulk fuel storage tanks in Alaska that are not in compliance with applicable—

''(1) Federal law, including the Oil Pollution Act of 1990 (104 Stat. 484) [33 U.S.C. 2701 et seq.]; or

''(2) State law.

''(c) DEMONSTRATION HEALTH PROJECTS.—In order to demonstrate the value of adequate health facilities and services to the economic development of the region, the Secretary of Health and Human Services is authorized to make interagency transfers to the Denali Commission to plan, construct, and equip demonstration health, nutrition, and child care projects, including hospitals, health care clinics, and mental health facilities (including drug and alcohol treatment centers) in accordance with the Work Plan referred to under section 304 of Title III—Denali Commission of Division C—Other Matters of Public Law 105–277. No grant for construction or equipment of a demonstration project shall exceed 50 percentum of such costs, unless the project is located in a severely economically distressed community, as identified in the Work Plan referred to under section 304 of Title III—Denali Commission of Division C—Other Matters of Public Law 105–277, in which case no grant shall exceed 80 percentum of such costs. To carry out this section, there is authorized to be appropriated such sums as may be necessary.

''(d) SOLID WASTE.—The Secretary of Agriculture is authorized to make direct lump sum payments which shall remain available until expended to the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.

''(e) DOCKS, WATERFRONT TRANSPORTATION DEVELOPMENT, AND RELATED INFRASTRUCTURE PROJECTS.—The Secretary of Transportation is authorized to make direct lump sum payments to the Commission to construct docks, waterfront development projects, and related transportation infrastructure, provided the local community provides a ten percent non-Federal match in the form of any necessary land or planning and design funds. To carry out this section, there is authorized to be appropriated such sums as may be necessary.

''SEC. 308. EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.

''The Federal Advisory Committee Act [5 U.S.C. App.] shall not apply to the Commission.

''SEC. 309. DENALI ACCESS SYSTEM PROGRAM.

''(a) ESTABLISHMENT OF THE DENALI ACCESS SYSTEM PROGRAM.—Not later than 3 months after the date of enactment of the SAFETEA–LU [Aug. 10, 2005], the Secretary of Transportation shall establish a program to pay the costs of planning, designing, engineering, and constructing road and other surface transportation infrastructure identified for the Denali access system program under this section.

''(b) DENALI ACCESS SYSTEM PROGRAM ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 3 months after the date of enactment of the SAFETEA–LU [Aug. 10, 2005], the Denali Commission shall establish a Denali Access System Program Advisory Committee (referred to in this section as the 'advisory committee').

''(2) MEMBERSHIP.—The advisory committee shall be composed of nine members to be appointed by the Governor of the State of Alaska as follows:

''(A) The chairman of the Denali Commission.

''(B) Four members who represent existing regional native corporations, native nonprofit entities, or tribal governments, including one member who is a civil engineer.

''(C) Four members who represent rural Alaska regions or villages, including one member who is a civil engineer.

''(3) TERMS.—

''(A) IN GENERAL.—Except for the chairman of the Commission who shall remain a member of the advisory committee, members shall be appointed to serve a term of 4 years.

''(B) INITIAL MEMBERS.—Except for the chairman of the Commission, of the eight initial members appointed to the advisory committee, two shall be appointed for a term of 1 year, two shall be appointed for a term of 2 years, two shall be appointed for a term of 3 years, and two shall be appointed for a term of 4 years. All subsequent appointments shall be for 4 years.

''(4) RESPONSIBILITIES.—The advisory committee shall be responsible for the following activities:

''(A) Advising the Commission on the surface transportation needs of Alaska Native villages and rural communities, including projects for the construction of essential access routes within remote Alaska Native villages and rural communities and for the construction of roads and facilities necessary to connect isolated rural communities to a road system.

''(B) Advising the Commission on considerations for coordinatedtransportation [sic] planning among the Alaska Native villages, Alaska rural villages, the State of Alaska, and other government entities.

''(C) Establishing a list of transportation priorities for Alaska Native village and rural community transportation projects on an annual basis, including funding recommendations.

''(D) Facilitate the Commission's work on transportation projects involving more than one region.

''(5) FACA EXEMPTION.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee.

''(c) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The Secretary shall allocate funding authorized and made available for the Denali access system program to the Commission to carry out this section.

''(2) DISTRIBUTION OF FUNDING.—In distributing funds for surface transportation projects funded under the program, the Commission shall consult the list of transportation priorities developed by the advisory committee.

''(d) PREFERENCE TO ALASKA MATERIALS AND PRODUCTS.—To construct a project under this section, the Commission shall encourage, to the maximum extent practicable, the use of employees and businesses that are residents of Alaska.

''(e) DESIGN STANDARDS.—Each project carried out under this section shall use technology and design standards determined by the Commission to be appropriate given the location and the functionality of the project.

''(f) MAINTENANCE.—Funding for a construction project under this section may include an additional amount equal to not more than 10 percent of the total cost of construction, to be retained for future maintenance of the project. All such retained funds shall be dedicated for maintenance of the project and may not be used for other purposes.

''(g) LEAD AGENCY DESIGNATION.—For purposes of projects carried out under this section, the Commission shall be designated as the lead agency for purposes of accepting Federal funds and for purposes of carrying out this project.

''(h) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, funds made available to carry out this section may be used to meet the non-Federal share of the cost of projects under title 23, United States Code.

''(i) SURFACE TRANSPORTATION PROGRAM TRANSFERABILITY.—

''(1) TRANSFERABILITY.—In any fiscal year, up to 15 percent of the amounts made available to the State of Alaska for surface transportation by section 133 of title 23, United States Code, may be transferred to the Denali access system program.

''(2) NO EFFECT ON SET-ASIDE.—Paragraph (2) of section 133(d) [of title 23], United States Code, shall not apply to funds transferred under paragraph (1).

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $15,000,000 for each of fiscal years 2006 through 2009.

''(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of any project carried out using such funds shall be determined in accordance with section 120(b).

''SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Commission to carry out the duties of the Commission consistent with the purposes of this title and pursuant to the work plan approved under section 4 [304] under this Act, $20,000,000 for fiscal year 1999, and such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2008[.]

''(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available until expended.

''SEC. 310 [311]. (a) The Federal Co-chairman of the Denali Commission shall appoint an Economic Development Committee to be chaired by the president of the Alaska Federation of Natives which shall include the Commissioner of Community and Economic Affairs for the State of Alaska, a representative from the Alaska Bankers Association, the chairman of the Alaska Permanent Fund, a representative from the Alaska State Chamber of Commerce, and a representative from each region. Of the regional representatives, at least two each shall be from Native regional corporations, Native non-profit corporations, tribes, and borough governments.

''(b) The Economic Development Committee is authorized to consider and approve applications from Regional Advisory Committees for grants and loans to promote economic development and promote private sector investment to reduce poverty in economically distressed rural villages. The Economic Development Committee may make mini-grants to individual applicants and may issue loans under such terms and conditions as it determines.

''(c) The State Co-chairman of the Denali Commission shall appoint a Regional Advisory Committee for each region which may include representatives from local, borough, and tribal governments, the Alaska Native non-profit corporation operating in the region, local Chambers of Commerce, and representatives of the private sector. Each Regional Advisory Committee shall develop a regional economic development plan for consideration by the Economic Development Committee.

''(d) The Economic Development Committee, in consultation with the First Alaskans Institute, may develop rural development performance measures linking economic growth to poverty reduction to measure the success of its program which may include economic, educational, social, and cultural indicators. The performance measures will be tested in one region for 2 years and evaluated by the University of Alaska before being deployed statewide. Thereafter, performance in each region shall be evaluated using the performance measures, and the Economic Development Committee shall not fund projects which do not demonstrate success.

''(e) Within the amounts made available annually to the Denali Commission for training, the Commission may make a grant to the First Alaskans Foundation upon submittal of an acceptable work plan to assist Alaska Natives and other rural residents in acquiring the skills and training necessary to participate fully in private sector business and economic and development opportunities through fellowships, scholarships, internships, public service programs, and other leadership initiatives.

''(f) The Committee shall sponsor a statewide economic development summit in consultation with the World Bank to evaluate the best practices for economic development worldwide and how they can be incorporated into regional economic development plans.

''(g) There is authorized to be appropriated such sums as may be necessary to the following agencies which shall be transferred to the Denali Commission as a direct lump sum payment to implement this section—

''(1) Department of Commerce, Economic Development Administration,

''(2) Department of Housing and Urban Development,

''(3) Department of the Interior, Bureau of Indian Affairs,

''(4) Department of Agriculture, Rural Development Administration, and

''(5) Small Business Administration.''

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

LOWER MISSISSIPPI DELTA DEVELOPMENT COMMISSION

Pub. L. 100–460, title II, Oct. 1, 1988, 102 Stat. 2246, as amended by Pub. L. 106–554, § 1(a)(4) [div. B, title I, § 153(a), title V, § 504], Dec. 21, 2000, 114 Stat. 2763, 2763A–252, 2763A–281; Pub. L. 107–171, title VI, § 6027(j), May 13, 2002, 116 Stat. 374; Pub. L. 110–234, title VI, § 6025(c), May 22, 2008, 122 Stat. 1177; Pub. L. 110–246, § 4(a), title VI, § 6025(c), June 18, 2008, 122 Stat. 1664, 1939, incorporated by reference and made a part of that public law the provisions of S. 2836, the Delta Development Act, as introduced in the Senate on Sept. 27, 1988, which provided for establishment of Lower Mississippi Delta Development Commission to study and make recommendations regarding economic needs and development of Lower Mississippi Delta region, set forth membership, compensation, powers, and administrative provisions for Commission, required submission to Congress, President, and Governors of certain States of interim and final reports, and provided for termination of Commission no later than two years after Oct. 1, 1988.

Prior to amendment by Pub. L. 106–554, Pub. L. 100–460 also incorporated by reference and made a part of that public law the provisions of H.R. 5378, as introduced in the House of Representatives on Sept. 26, 1988, and known as the ''Lower Mississippi Delta Development Act'', which contained provisions similar to those in S. 2836.

Pub. L. 101–161, title II, Nov. 21, 1989, 103 Stat. 969, extended date for submission of the Commission's interim report to Oct. 16, 1989.

PUBLIC WORKS IMPROVEMENT

Pub. L. 98–501, title I, Oct. 19, 1984, 98 Stat. 2320, known as the ''Public Works Improvement Act of 1984'', established the National Council on Public Works Improvement, to prepare and submit to the President and Congress reports in 1986, 1987, and 1988 on the state of the Nation's infrastructure. Pursuant to section 109 of Pub. L. 98–501, the Council ceased to exist on Apr. 15, 1988.

WHITE HOUSE CONFERENCE ON BALANCED NATIONAL GROWTH AND ECONOMIC DEVELOPMENT

Title II of Pub. L. 94–487, as amended by Pub. L. 95–31, title II, §§ 201, 202, May 23, 1977, 91 Stat. 170, provided for calling of a White House Conference on Balanced National Growth and Economic Development within 18 months of Oct. 12, 1976, set forth powers, functions, membership, etc., of Conference, and required submission to President of a final report within 180 days after calling of Conference, with President to forward recommendations to Congress within 90 days after submission of report.

EXECUTIVE ORDER NO. 11386

Ex. Ord. No. 11386, Dec. 28, 1967, 33 F.R. 5, which related to coordination of activities of regional commissions and Federal Government relating to regional economic development and which established Federal Advisory Council on Regional Economic Development, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

EXECUTIVE ORDER NO. 11422

Ex. Ord. No. 11422, Aug. 15, 1968, 33 F.R. 11739, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, which related to Cooperative Area Manpower Planning System, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

EXECUTIVE ORDER NO. 11493

Ex. Ord. No. 11493, Nov. 13, 1969, 34 F.R. 18289, which created Council for Rural Affairs to advise President with respect to further development of non-metropolitan areas of country, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237. Council terminated and its functions transferred to Domestic Council by section 2(b) of Ex. Ord. No. 11541, July 1, 1970, 35 F.R. 10737, set out as a note under section 501 of Title 31, Money and Finance.

EX. ORD. NO. 13122. INTERAGENCY TASK FORCE ON THE ECONOMIC DEVELOPMENT OF THE SOUTHWEST BORDER

Ex. Ord. No. 13122, May 25, 1999, 64 F.R. 29201, as amended by Ex. Ord. No. 13284, § 6, Jan. 23, 2003, 68 F.R. 4075, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to provide a more rapid and integrated Federal response to the economic development challenges of the Southwest Border region, it is hereby ordered as follows:

SECTION 1. *Establishment of an Interagency Task Force on the Economic Development of the Southwest Border*. (a) There is established the ''Interagency Task Force on the Economic Development of the Southwest Border'' (Task Force) that reports to the Vice President, as Chair of the President's Community Empowerment Board (PCEB), and to the Assistant to the President for Economic Policy, as Vice Chair of the PCEB.

(b) The Task Force shall comprise the Secretary of State, Secretary of Agriculture, Secretary of Commerce, Secretary of Defense, the Attorney General, Secretary of the Interior, Secretary of Education, Secretary of Health and Human Services, Secretary of Housing and Urban Development, Secretary of Energy, Secretary of Labor, Secretary of Transportation, Secretary of the Treasury, Secretary of Homeland Security, Director of the Office of Management and Budget, Director of National Drug Control Policy, Administrator of General Services, Administrator of the Small Business Administration, Administrator of the Environmental Protection Agency, or their designees, and such other senior executive branch officials as may be determined by the Co-Chairs of the Task Force. The Secretaries of the Treasury, Agriculture, and Labor shall Co-Chair the Task Force, rotating annually. The agency chairing the Task Force will provide administrative support for the Task Force.

(c) The purpose of the Task Force is to coordinate and better leverage existing Administration efforts for the Southwest Border, in concert with locally led efforts, in order to increase the living standards and the overall economic profile of the Southwest Border so that it may achieve the average of the Nation. Specifically, the Task Force shall:

(1) analyze the existing programs and policies of Task Force members that relate to the Southwest Border to determine what changes, modifications, and innovations should be considered;

(2) consider statistical and data analysis, research, and policy studies related to the Southwest Border;

(3) develop and recommend short-term and long-term options for promoting sustainable economic development;

(4) consult and coordinate activities with State, tribal, and local governments, community leaders, Members of Congress, the private sector, and other interested parties, paying particular attention to maintaining existing authorities of the States, tribes, and local governments, and preserving their existing working relationships with other agencies, organizations, or individuals;

(5) coordinate and collaborate on research and demonstration priorities of Task Force member agencies related to the Southwest Border;

(6) integrate Administration initiatives and programs into the design of sustainable economic development actions for the Southwest Border; and

(7) focus initial efforts on pilot communities for implementing a coordinated and expedited Federal response to local economic development and other needs.

(d) The Task Force shall issue an interim report to the Vice President by November 15, 1999. The Task Force shall issue its first annual report to the Vice President by April 15, 2000, with subsequent reports to follow yearly and a final report on April 15, 2002. The reports shall describe the actions taken by, and progress of, each member of the Task Force in carrying out this order. The Task Force shall terminate 30 days after submitting its final report unless a Task Force consensus recommends continuation of activities.

SEC. 2. *Specific Activities by Task Force Members and Other Agencies*. The agencies represented on the Task Force shall work together and report their actions and progress in carrying out this order to the Task Force Chair 1 month before the reports are due to the Vice President under section 1(d) of this order.

SEC. 3. *Cooperation*. All efforts taken by agencies under sections 1 and 2 of this order shall, as appropriate, further partnerships and cooperation with organizations that represent the Southwest Border and with State and local governments.

SEC. 4. *(a) ''Agency'' means an executive agency as defined in 5 U.S.C. 105.*

(b) The ''Southwest Border'' or ''Southwest Border region'' is defined as including the areas up to 150 miles north of the United States-Mexican border in the States of Arizona, New Mexico, Texas, and California.

SEC. 5. *Judicial Review*. This order does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

§ 3122. Definitions

In this chapter:

(1) Comprehensive economic development strategy

The term ''comprehensive economic development strategy'' means a comprehensive economic development strategy approved by the Secretary under section 3162 of this title.

(2) Department

The term ''Department'' means the Department of Commerce.

(3) Economic development district

(A) In general

The term ''economic development district'' means any area in the United States that—

(i) is composed of areas described in section 3161(a) of this title and, to the extent appropriate, neighboring counties or communities; and

(ii) has been designated by the Secretary as an economic development district under section 3171 of this title.

(B) Inclusion

The term ''economic development district'' includes any economic development district designated by the Secretary under section 3173 of this title (as in effect on the day before the effective date of the Economic Development Administration Reform Act of 1998).

(4) Eligible recipient

(A) In general

The term ''eligible recipient'' means—

(i) an economic development district;

(ii) an Indian tribe;

(iii) a State;

(iv) a city or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions;

(v) an institution of higher education or a consortium of institutions of higher education; or

(vi) a public or private nonprofit organization or association acting in cooperation with officials of a political subdivision of a State.

(B) Training, research, and technical assistance grants

In the case of grants under section 3147 of this title, the term ''eligible recipient'' also includes private individuals and for-profit organizations.

(5) Federal agency

The term ''Federal agency'' means a department, agency, or instrumentality of the United States.

(6) Grant

The term ''grant'' includes a cooperative agreement (within the meaning of chapter 63 of title 31).

(7) Indian tribe

The term ''Indian tribe'' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or Regional Corporation (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(8) Regional Commissions

The term ''Regional Commissions'' means—

(A) the Appalachian Regional Commission established under chapter 143 of title 40;

(B) the Delta Regional Authority established under subtitle F of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa et seq.);

(C) the Denali Commission established under the Denali Commission Act of 1998 (42 U.S.C. 3121 note; 112 Stat. 2681–637 et seq.); and

(D) the Northern Great Plains Regional Authority established under subtitle G of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb et seq.).

(9) Secretary

The term ''Secretary'' means the Secretary of Commerce.

(10) State

The term ''State'' means a State, the District of Columbia, the Commonwealth of Puer-

to Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(11) United States

The term ''United States'' means all of the States.

(12) University center

The term ''university center'' means an institution of higher education or a consortium of institutions of higher education established as a University Center for Economic Development under section 3147(a)(2)(D) of this title.

(Pub. L. 89–136, § 3, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3599; amended Pub. L. 108–373, title I, § 102, Oct. 27, 2004, 118 Stat. 1758.)

REFERENCES IN TEXT

Section 3173 of this title (as in effect on the day before the effective date of the Economic Development Administration Reform Act of 1998), referred to in par. (3)(B), means section 3173 of this title prior to its repeal by Pub. L. 105–393, § 102(a). See Prior Provisions note set out under section 3173 of this title and section 105 of Pub. L. 105–393, set out as an Effective Date note under section 3121 of this title.

The Alaska Native Claims Settlement Act, referred to in par. (7), is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

The Consolidated Farm and Rural Development Act, referred to in par. (8)(B), (D), is title III of Pub. L. 87–128, Aug. 8, 1961, 75 Stat. 307, as amended. Subtitles F and G of the Act are classified generally to subchapters VI (§ 2009aa et seq.) and VII (§ 2009bb et seq.), respectively, of chapter 50 of Title 7, Agriculture. For complete classification of the Act to the Code, see Short Title note set out under section 1921 of Title 7 and Tables.

The Denali Commission Act of 1998, referred to in par. (8)(C), is title III of Pub. L. 105–277, div. C, Oct. 21, 1998, 112 Stat. 2681-637, which is set out as a note under section 3121 of this title. For complete classification of this Act to the Code, see Tables.

PRIOR PROVISIONS

A prior section 3122, Pub. L. 91–524, title IX, § 901, Nov. 30, 1970, 84 Stat. 1383; Pub. L. 92–419, title VI, § 601, Aug. 30, 1972, 86 Stat. 674; Pub. L. 94–273, § 7(3), Apr. 21, 1976, 90 Stat. 378; Pub. L. 96–355, § 6, Sept. 24, 1980, 94 Stat. 1174, which related to priority to be given to revitalization and development of rural areas, was transferred to section 2204b–1 of Title 7, Agriculture.

AMENDMENTS

2004—Par. (4)(A). Pub. L. 108–373, § 102(a), redesignated cls. (ii) to (vii) as (i) to (vi), respectively, inserted '', including a special purpose unit of a State or local government engaged in economic or infrastructure development activities,'' after ''State'' in cl. (iv), and struck out cl. (i) which read as follows: ''an area described in section 3161(a) of this title;''.

Pars. (8) to (12). Pub. L. 108–373, § 102(b), added pars. (8) and (12) and redesignated former pars. (8) to (10) as (9) to (11), respectively.

§ 3123. Discrimination on basis of sex prohibited in federally assisted programs

No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Public Works and Economic Development Act of 1965 [42 U.S.C. 3121 et seq.].

(Pub. L. 92–65, title I, § 112, Aug. 5, 1971, 85 Stat. 168.)

REFERENCES IN TEXT

The Public Works and Economic Development Act of 1965, referred to in text, is Pub. L. 89–136, Aug. 26, 1965, 79 Stat. 552, as amended, which is classified generally to this chapter (§ 3121 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 3121 of this title and Tables.

CODIFICATION

Section was not enacted as part of the Public Works and Economic Development Act of 1965 which comprises this chapter.

SUBCHAPTER I—ECONOMIC DEVELOPMENT PARTNERSHIPS COOPERATION AND COORDINATION

§ 3131. Establishment of economic development partnerships

(a) In general

In providing assistance under this subchapter, the Secretary shall cooperate with States and other entities to ensure that, consistent with national objectives, Federal programs are compatible with and further the objectives of State, regional, and local economic development plans and comprehensive economic development strategies.

(b) Technical assistance

The Secretary may provide such technical assistance to States, political subdivisions of States, sub-State regional organizations (including organizations that cross State boundaries), multi-State regional organizations, and nonprofit organizations as the Secretary determines is appropriate to—

(1) alleviate economic distress;

(2) encourage and support public-private partnerships for the formation and improvement of economic development strategies that sustain and promote economic development across the United States; and

(3) promote investment in infrastructure and technological capacity to keep pace with the changing global economy.

(c) Intergovernmental review

The Secretary shall promulgate regulations to ensure that appropriate State and local government agencies have been given a reasonable opportunity to review and comment on proposed projects under this subchapter that the Secretary determines may have a significant direct impact on the economy of the area.

(d) Cooperation agreements

(1) In general

The Secretary may enter into a cooperation agreement with any 2 or more States, or an organization of any 2 or more States, in support of effective economic development.

(2) Participation

Each cooperation agreement shall provide for suitable participation by other govern-

mental and nongovernmental entities that are representative of significant interests in and perspectives on economic development in an area.

(Pub. L. 89–136, title I, § 101, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3600; amended Pub. L. 108–373, title I, § 103, Oct. 27, 2004, 118 Stat. 1759.)

PRIOR PROVISIONS

A prior section 3131, Pub. L. 89–136, title I, § 101, Aug. 26, 1965, 79 Stat. 552; Pub. L. 91–123, title III, § 301(1), Nov. 25, 1969, 83 Stat. 219; Pub. L. 92–65, title I, § 102, Aug. 5, 1971, 85 Stat. 166; Pub. L. 94–487, title I, § 103, Oct. 12, 1976, 90 Stat. 2331, authorized direct and supplementary grants, prior to repeal by Pub. L. 105–393, § 102(a).

AMENDMENTS

2004—Subsec. (b). Pub. L. 108–373, § 103(1), substituted ''multi-State regional organizations, and nonprofit organizations'' for ''and multi-State regional organizations'' in introductory provisions.

Subsec. (d)(1). Pub. L. 108–373, § 103(2), struck out ''adjoining'' before ''States'' in two places.

§ 3132. Cooperation of Federal agencies

In accordance with applicable laws and subject to the availability of appropriations, each Federal agency shall exercise its powers, duties and functions, and shall cooperate with the Secretary, in such manner as will assist the Secretary in carrying out this subchapter.

(Pub. L. 89–136, title I, § 102, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3601.)

PRIOR PROVISIONS

A prior section 3132, Pub. L. 89–136, title I, § 102, Aug. 26, 1965, 79 Stat. 554; Pub. L. 93–423, § 2, Sept. 27, 1974, 88 Stat. 1158; Pub. L. 94–487, title I, § 104, Oct. 12, 1976, 90 Stat. 2331; Pub. L. 96–88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695; Pub. L. 96–506, § 1(1), Dec. 8, 1980, 94 Stat. 2745, authorized grants for operation of health projects, prior to repeal by Pub. L. 105–393, § 102(a).

§ 3133. Coordination

(a) In general

The Secretary shall coordinate activities relating to the preparation and implementation of comprehensive economic development strategies under this chapter with Federal agencies carrying out other Federal programs, States, economic development districts, Indian tribes, and other appropriate planning and development organizations.

(b) Meetings

To carry out subsection (a) of this section, or for any other purpose relating to economic development activities, the Secretary may convene meetings with Federal agencies, State and local governments, economic development districts, Indian tribes, and other appropriate planning and development organizations.

(Pub. L. 89–136, title I, § 103, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3601; amended Pub. L. 108–373, title I, § 104, Oct. 27, 2004, 118 Stat. 1759.)

PRIOR PROVISIONS

A prior section 3133, Pub. L. 89–136, title I, § 103, Aug. 26, 1965, 79 Stat. 554, set limitation on funds which could be expended in any one State, prior to repeal by Pub. L. 105–393, § 102(a).

A prior section 3134, Pub. L. 89–136, title I, § 104, Aug. 26, 1965, 79 Stat. 554, related to the ineligibility of Appalachian region projects for appropriations under this subchapter, prior to repeal by Pub. L. 94–188, title I, § 123, Dec. 31, 1975, 89 Stat. 1086.

Prior sections 3135 to 3137 were repealed by Pub. L. 105–393, § 102(a).

Section 3135, Pub. L. 89–136, title I, § 105, Aug. 26, 1965, 79 Stat. 554; Pub. L. 91–123, title III, § 301(2), Nov. 25, 1969, 83 Stat. 219; Pub. L. 91–304, § 1(a), July 6, 1970, 84 Stat. 375; Pub. L. 92–65, title I, § 103, Aug. 5, 1971, 85 Stat. 166; Pub. L. 93–46, § 1, June 18, 1973, 87 Stat. 96; Pub. L. 93–423, § 1, Sept. 27, 1974, 88 Stat. 1158; Pub. L. 94–487, title I, § 105, Oct. 12, 1976, 90 Stat. 2331; Pub. L. 96–506, § 1(2), Dec. 8, 1980, 94 Stat. 2745; Pub. L. 97–35, title XVIII, § 1821(a)(1), Aug. 13, 1981, 95 Stat. 766, authorized appropriations to carry out this subchapter from fiscal year ending June 30, 1966, to fiscal year ending Sept. 30, 1982.

Section 3136, Pub. L. 89–136, title I, § 106, Aug. 26, 1965, 79 Stat. 554; 1966 Reorg. Plan No. 2, § 1(h)(3), eff. May 10, 1966, 31 F.R. 6857, 80 Stat. 1608; 1970 Reorg. Plan No. 3, § 2(a)(1), eff. Dec. 2, 1970, 35 F.R. 15623, 84 Stat. 2087, conditioned use of financial assistance for sewer or other waste disposal facilities upon certification by Administrator of Environmental Protection Agency.

Section 3137, Pub. L. 89–136, title I, § 107, as added Pub. L. 94–487, title I, § 106, Oct. 12, 1976, 90 Stat. 2332, authorized increase in amount of grant for construction cost increases after grant had been made.

AMENDMENTS

2004—Pub. L. 108–373 designated existing provisions as subsec. (a), inserted heading, inserted ''Indian tribes,'' after ''districts,'', and added subsec. (b).

SUBCHAPTER II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

§ 3141. Grants for public works and economic development

(a) In general

On the application of an eligible recipient, the Secretary may make grants for—

(1) acquisition or development of land and improvements for use for a public works, public service, or development facility; and

(2) acquisition, design and engineering, construction, rehabilitation, alteration, expansion, or improvement of such a facility, including related machinery and equipment.

(b) Criteria for grant

The Secretary may make a grant under this section only if the Secretary determines that—

(1) the project for which the grant is applied for will, directly or indirectly—

(A) improve the opportunities, in the area where the project is or will be located, for the successful establishment or expansion of industrial or commercial plants or facilities;

(B) assist in the creation of additional long-term employment opportunities in the area; or

(C) primarily benefit the long-term unemployed and members of low-income families;

(2) the project for which the grant is applied for will fulfill a pressing need of the area, or a part of the area, in which the project is or will be located; and

(3) the area for which the project is to be carried out has a comprehensive economic de-

velopment strategy and the project is consistent with the strategy.

(c) Maximum assistance for each State

Not more than 15 percent of the amounts made available to carry out this section may be expended in any 1 State.

(Pub. L. 89–136, title II, § 201, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3601.)

PRIOR PROVISIONS

A prior section 3141, Pub. L. 89–136, title II, § 201, Aug. 26, 1965, 79 Stat. 554; Pub. L. 91–304, § 1(b), July 6, 1970, 84 Stat. 375; Pub. L. 92–65, title I, § 104, Aug. 5, 1971, 85 Stat. 167; Pub. L. 93–46, § 2, June 18, 1973, 87 Stat. 96; Pub. L. 93–423, § 4(a), Sept. 27, 1974, 88 Stat. 1158; Pub. L. 94–487, title I, § 107(a), (b), Oct. 12, 1976, 90 Stat. 2332; Pub. L. 96–506, § 1(3), Dec. 8, 1980, 94 Stat. 2745; Pub. L. 97–35, title XVIII, § 1821(a)(2), Aug. 13, 1981, 95 Stat. 766, authorized public works and development facility loans, prior to repeal by Pub. L. 105–393, § 102(a).

§ 3142. Base closings and realignments

Notwithstanding any other provision of law, the Secretary may provide to an eligible recipient any assistance available under this subchapter for a project to be carried out on a military or Department of Energy installation that is closed or scheduled for closure or realignment without requiring that the eligible recipient have title to the property or a leasehold interest in the property for any specified term.

(Pub. L. 89–136, title II, § 202, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3602.)

PRIOR PROVISIONS

A prior section 3142, Pub. L. 89–136, title II, § 202, Aug. 26, 1965, 79 Stat. 556; Pub. L. 93–423, § 4(b), Sept. 27, 1974, 88 Stat. 1158; Pub. L. 94–487, title I, §§ 107(c), (d), 108, Oct. 12, 1976, 90 Stat. 2332, authorized business loans and loan guarantees, prior to repeal by Pub. L. 105–393, § 102(a).

A prior section 3142–1, Pub. L. 91–596, § 28(d), Dec. 29, 1970, 84 Stat. 1618; Pub. L. 93–237, § 2(c), Jan. 2, 1974, 87 Stat. 1024, which authorized loans for small business compliance with occupational safety and health standards, was omitted from the Code in view of the repeal of subchapter II of this chapter by Pub. L. 105–393.

A prior section 3142a, Pub. L. 89–298, title II, § 217, Oct. 27, 1965, 79 Stat. 1088, which authorized purchase of indebtedness and loans for waterways projects, was transferred to section 2220 of Title 33, Navigation and Navigable Waters.

§ 3143. Grants for planning and grants for administrative expenses

(a) In general

On the application of an eligible recipient, the Secretary may make grants to pay the costs of economic development planning and the administrative expenses of organizations that carry out the planning.

(b) Planning process

Planning assisted under this subchapter shall be a continuous process involving public officials and private citizens in—

(1) analyzing local economies;

(2) defining economic development goals;

(3) determining project opportunities; and

(4) formulating and implementing an economic development program that includes systematic efforts to reduce unemployment and increase incomes.

(c) Use of planning assistance

Planning assistance under this subchapter shall be used in conjunction with any other available Federal planning assistance to ensure adequate and effective planning and economical use of funds.

(d) State plans

(1) Development

Any State plan developed with assistance under this section shall be developed, to the maximum extent practicable, cooperatively by the State, political subdivisions of the State, and the economic development districts located wholly or partially in the State.

(2) Comprehensive economic development strategy

As a condition of receipt of assistance for a State plan under this subsection, the State shall have or develop a comprehensive economic development strategy.

(3) Coordination

Before providing assistance for a State plan under this section, the Secretary shall consider the extent to which the State will consider local and economic development district plans.

(4) Comprehensive planning process

Any overall State economic development planning assisted under this section shall be a part of a comprehensive planning process that shall consider the provision of public works to—

(A) promote economic development and opportunity;

(B) foster effective transportation access;

(C) enhance and protect the environment;

(D) assist in carrying out the workforce investment strategy of a State;

(E) promote the use of technology in economic development, including access to high-speed telecommunications; and

(F) balance resources through the sound management of physical development.

(5) Report to Secretary

Each State that receives assistance for the development of a plan under this subsection shall submit to the Secretary an annual report on the planning process assisted under this subsection.

(Pub. L. 89–136, title II, § 203, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3602; amended Pub. L. 108–373, title II, § 201, Oct. 27, 2004, 118 Stat. 1759.)

PRIOR PROVISIONS

A prior section 3143, Pub. L. 89–136, title II, § 203, Aug. 26, 1965, 79 Stat. 558; Pub. L. 94–273, § 2(25), Apr. 21, 1976, 90 Stat. 376, directed deposit of funds into Economic Development Revolving Fund, prior to repeal by Pub. L. 105–393, § 102(a).

AMENDMENTS

2004—Subsec. (d)(1). Pub. L. 108–373, § 201(1), inserted ‘‘, to the maximum extent practicable,’’ after ‘‘shall be developed’’.

Subsec. (d)(3). Pub. L. 108–373, § 201(2), added par. (3) and struck out heading and text of former par. (3). Text read as follows: ''On completion of a State plan developed with assistance under this section, the State shall—

''(A) certify to the Secretary that, in the development of the State plan, local and economic development district plans were considered and, to the maximum extent practicable, the State plan is consistent with the local and economic development district plans; and

''(B) identify any inconsistencies between the State plan and the local and economic development district plans and provide a justification for each inconsistency.''

Subsec. (d)(4)(D) to (F). Pub. L. 108–373, § 201(3), added subpars. (D) and (E) and redesignated former subpar. (D) as (F).

§ 3144. Cost sharing

(a) Federal share

Except as provided in subsection (c) of this section, the Federal share of the cost of any project carried out under this subchapter shall not exceed—

(1) 50 percent; plus

(2) an additional percent that—

(A) shall not exceed 30 percent; and

(B) is based on the relative needs of the area in which the project will be located, as determined in accordance with regulations promulgated by the Secretary.

(b) Non-Federal share

In determining the amount of the non-Federal share of the cost of a project, the Secretary may provide credit toward the non-Federal share for all contributions both in cash and in-kind, fairly evaluated, including contributions of space, equipment, assumptions of debt, and services.

(c) Increase in Federal share

(1) Indian tribes

In the case of a grant to an Indian tribe for a project under this subchapter, the Secretary may increase the Federal share above the percentage specified in subsection (a) of this section up to 100 percent of the cost of the project.

(2) Certain States, political subdivisions, and nonprofit organizations

In the case of a grant to a State, or a political subdivision of a State, that the Secretary determines has exhausted the effective taxing and borrowing capacity of the State or political subdivision, or in the case of a grant to a nonprofit organization that the Secretary determines has exhausted the effective borrowing capacity of the nonprofit organization, the Secretary may increase the Federal share above the percentage specified in subsection (a) of this section up to 100 percent of the cost of the project.

(3) Training, research, and technical assistance

In the case of a grant provided under section 3147 of this title, the Secretary may increase the Federal share above the percentage specified in subsection (a) of this section up to 100 percent of the cost of the project if the Secretary determines that the project funded by the grant merits, and is not feasible without, such an increase.

(Pub. L. 89–136, title II, § 204, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3603; amended Pub. L. 108–373, title II, § 202, Oct. 27, 2004, 118 Stat. 1759.)

PRIOR PROVISIONS

A prior section 3144, Pub. L. 89–136, title II, § 204, as added Pub. L. 94–487, title I, § 109, Oct. 12, 1976, 90 Stat. 2333; amended Pub. L. 96–470, title I, § 201(d), Oct. 19, 1980, 94 Stat. 2241; Pub. L. 96–506, § 1(4), Dec. 8, 1980, 94 Stat. 2745; Pub. L. 97–35, title XVIII, § 1821(a)(3), Aug. 13, 1981, 95 Stat. 766, authorized interest free loans to carry out approved redevelopment area plans, prior to repeal by Pub. L. 105–393, § 102(a).

AMENDMENTS

2004—Subsec. (a). Pub. L. 108–373, § 202(a), added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: ''Subject to section 3145 of this title, the amount of a grant for a project under this subchapter shall not exceed 50 percent of the cost of the project.''

Subsec. (b). Pub. L. 108–373, § 202(b), inserted ''assumptions of debt,'' after ''equipment,''.

Subsec. (c). Pub. L. 108–373, § 202(c), added subsec. (c).

§ 3145. Supplementary grants

(a) Definition of designated Federal grant program

In this section, the term ''designated Federal grant program'' means any Federal grant program that—

(1) provides assistance in the construction or equipping of public works, public service, or development facilities;

(2) the Secretary designates as eligible for an allocation of funds under this section; and

(3) assists projects that are—

(A) eligible for assistance under this subchapter; and

(B) consistent with a comprehensive economic development strategy.

(b) Supplementary grants

Subject to subsection (c) of this section, in order to assist eligible recipients in taking advantage of designated Federal grant programs, on the application of an eligible recipient, the Secretary may make a supplementary grant for a project for which the recipient is eligible but for which the recipient cannot provide the required non-Federal share because of the economic situation of the recipient.

(c) Requirements applicable to supplementary grants

(1) Amount of supplementary grants

The share of the project cost supported by a supplementary grant under this section may not exceed the applicable Federal share under section 3144 of this title.

(2) Form of supplementary grants

The Secretary shall make supplementary grants by—

(A) the payment of funds made available under this chapter to the heads of the Federal agencies responsible for carrying out the applicable Federal programs; or

(B) the award of funds under this chapter, which will be combined with funds transferred from other Federal agencies in projects administered by the Secretary.

(3) Federal share limitations specified in other laws

Notwithstanding any requirement as to the amount or source of non-Federal funds that may be applicable to a Federal program, funds provided under this section may be used to increase the Federal share for specific projects under the program that are carried out in areas described in section 3161(a) of this title above the Federal share of the cost of the project authorized by the law governing the program.

(Pub. L. 89–136, title II, § 205, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3603; amended Pub. L. 108–373, title II, § 203, Oct. 27, 2004, 118 Stat. 1760.)

AMENDMENTS

2004—Subsec. (b). Pub. L. 108–373, § 203(a), added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows:

''(1) IN GENERAL.—On the application of an eligible recipient, the Secretary may make a supplementary grant for a project for which the eligible recipient is eligible but, because of the eligible recipient's economic situation, for which the eligible recipient cannot provide the required non-Federal share.

''(2) PURPOSES OF GRANTS.—Supplementary grants under paragraph (1) may be made for purposes that shall include enabling eligible recipients to use—

''(A) designated Federal grant programs; and

''(B) direct grants authorized under this subchapter.''

Subsec. (c)(1), (2). Pub. L. 108–373, § 203(b)(1), added pars. (1) and (2) and struck out former pars. (1) and (2), which read as follows:

''(1) AMOUNT OF SUPPLEMENTARY GRANTS.—Subject to paragraph (4), the amount of a supplementary grant under this subchapter for a project shall not exceed the applicable percentage of the cost of the project established by regulations promulgated by the Secretary, except that the non-Federal share of the cost of a project (including assumptions of debt) shall not be less than 20 percent.

''(2) FORM OF SUPPLEMENTARY GRANTS.—In accordance with such regulations as the Secretary may promulgate, the Secretary shall make supplementary grants by increasing the amounts of grants authorized under this subchapter or by the payment of funds made available under this chapter to the heads of the Federal agencies responsible for carrying out the applicable Federal programs.''

Subsec. (c)(4). Pub. L. 108–373, § 203(b)(2), struck out heading and text of par. (4). Text read as follows:

''(A) INDIAN TRIBES.—In the case of a grant to an Indian tribe, the Secretary may reduce the non-Federal share below the percentage specified in paragraph (1) or may waive the non-Federal share.

''(B) CERTAIN STATES, POLITICAL SUBDIVISIONS, AND NONPROFIT ORGANIZATIONS.—In the case of a grant to a State, or a political subdivision of a State, that the Secretary determines has exhausted its effective taxing and borrowing capacity, or in the case of a grant to a nonprofit organization that the Secretary determines has exhausted its effective borrowing capacity, the Secretary may reduce the non-Federal share below the percentage specified in paragraph (1).''

§ 3146. Regulations on relative needs and allocations

In promulgating rules, regulations, and procedures for assistance under this subchapter, the Secretary shall ensure that—

(1) the relative needs of eligible areas are given adequate consideration by the Secretary, as determined based on, among other relevant factors—

(A) the severity of the rates of unemployment in the eligible areas and the duration of the unemployment;

(B) the income levels and the extent of underemployment in eligible areas; and

(C) the outmigration of population from eligible areas and the extent to which the outmigration is causing economic injury in the eligible areas;

(2) allocations of assistance under this subchapter are prioritized to ensure that the level of economic distress of an area, rather than a preference for a geographic area or a specific type of economic distress, is the primary factor in allocating the assistance;

(3)(A) rural and urban economically distressed areas are not harmed by the establishment or implementation by the Secretary of a private sector leveraging goal for a project under this subchapter;

(B) any private sector leveraging goal established by the Secretary does not prohibit or discourage grant applicants under this subchapter from public works in, or economic development of, rural or urban economically distressed areas; and

(C) the relevant Committees of Congress are notified prior to making any changes to any private sector leveraging goal; and

(4) grants made under this subchapter promote job creation and will have a high probability of meeting or exceeding applicable performance requirements established in connection with the grants.

(Pub. L. 89–136, title II, § 206, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3604; amended Pub. L. 108–373, title II, § 204, Oct. 27, 2004, 118 Stat. 1761.)

AMENDMENTS

2004—Pars. (3), (4). Pub. L. 108–373 added pars. (3) and (4).

§ 3147. Grants for training, research, and technical assistance

(a) In general

(1) Grants

On the application of an eligible recipient, the Secretary may make grants for training, research, and technical assistance, including grants for program evaluation and economic impact analyses, that would be useful in alleviating or preventing conditions of excessive unemployment or underemployment.

(2) Types of assistance

Grants under paragraph (1) may be used for—

(A) project planning and feasibility studies;

(B) demonstrations of innovative activities or strategic economic development investments;

(C) management and operational assistance;

(D) establishment of university centers;

(E) establishment of business outreach centers;

(F) studies evaluating the needs of, and development potential for, economic growth of areas that the Secretary determines have substantial need for the assistance;

(G) studies that evaluate the effectiveness of coordinating projects funded under this chapter with projects funded under other Acts;

(H) assessment, marketing, and establishment of business clusters; and

(I) other activities determined by the Secretary to be appropriate.

(3) Cooperation requirement

In the case of a project assisted under this section that is national or regional in scope, the Secretary may waive the provision in section 3122(4)(A)(vi) of this title requiring a nonprofit organization or association to act in cooperation with officials of a political subdivision of a State.

(b) Methods of provision of assistance

In providing research and technical assistance under this section, the Secretary, in addition to making grants under subsection (a) of this section, may—

(1) provide research and technical assistance through officers or employees of the Department;

(2) pay funds made available to carry out this section to Federal agencies; or

(3) employ private individuals, partnerships, businesses, corporations, or appropriate institutions under contracts entered into for that purpose.

(Pub. L. 89–136, title II, § 207, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3604; amended Pub. L. 108–373, title II, § 205, Oct. 27, 2004, 118 Stat. 1761.)

AMENDMENTS

2004—Subsec. (a)(2)(G) to (I). Pub. L. 108–373, § 205(a), added subpars. (G) and (H) and redesignated former subpar. (G) as (I).

Subsec. (a)(3). Pub. L. 108–373, § 205(b), added par. (3) and struck out heading and text of former par. (3). Text read as follows: ''In the case of a project assisted under this section, the Secretary may reduce or waive the non-Federal share, without regard to section 3144 or 3145 of this title, if the Secretary finds that the project is not feasible without, and merits, such a reduction or waiver.''

§ 3148. Repealed. Pub. L. 108–373, title II, § 206(a), Oct. 27, 2004, 118 Stat. 1761

Section, Pub. L. 89–136, title II, § 208, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3605, related to prevention of unfair competition.

§ 3149. Grants for economic adjustment

(a) In general

On the application of an eligible recipient, the Secretary may make grants for development of public facilities, public services, business development (including funding of a revolving loan fund), planning, technical assistance, training, and any other assistance to alleviate long-term economic deterioration and sudden and severe economic dislocation and further the economic adjustment objectives of this subchapter.

(b) Criteria for assistance

The Secretary may provide assistance under this section only if the Secretary determines that—

(1) the project will help the area to meet a special need arising from—

(A) actual or threatened severe unemployment; or

(B) economic adjustment problems resulting from severe changes in economic conditions; and

(2) the area for which a project is to be carried out has a comprehensive economic development strategy and the project is consistent with the strategy, except that this paragraph shall not apply to planning projects.

(c) Particular community assistance

Assistance under this section may include assistance provided for activities identified by communities, the economies of which are injured by—

(1) military base closures or realignments, defense contractor reductions in force, or Department of Energy defense-related funding reductions, for help in diversifying their economies through projects to be carried out on Federal Government installations or elsewhere in the communities;

(2) disasters or emergencies, in areas with respect to which a major disaster or emergency has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), for post-disaster economic recovery;

(3) international trade, for help in economic restructuring of the communities;

(4) fishery failures, in areas with respect to which a determination that there is a commercial fishery failure has been made under section 1861a(a) of title 16; or

(5) the loss of manufacturing jobs, for reinvesting in and diversifying the economies of the communities.

(d) Special provisions relating to revolving loan fund grants

(1) In general

The Secretary shall promulgate regulations to maintain the proper operation and financial integrity of revolving loan funds established by recipients with assistance under this section.

(2) Efficient administration

The Secretary may—

(A) at the request of a grantee, amend and consolidate grant agreements governing revolving loan funds to provide flexibility with respect to lending areas and borrower criteria;

(B) assign or transfer assets of a revolving loan fund to third party for the purpose of liquidation, and the third party may retain assets of the fund to defray costs related to liquidation; and

(C) take such actions as are appropriate to enable revolving loan fund operators to sell or securitize loans (except that the actions may not include issuance of a Federal guaranty by the Secretary).

(3) Treatment of actions

An action taken by the Secretary under this subsection with respect to a revolving loan fund shall not constitute a new obligation if all grant funds associated with the original grant award have been disbursed to the recipient.

(4) Preservation of securities laws

(A) Not treated as exempted securities

No securities issued pursuant to paragraph (2)(C) shall be treated as exempted securities for purposes of the Securities Act of 1933 (15 U.S.C. 77a et seq.) or the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), unless exempted by rule or regulation of the Securities and Exchange Commission.

(B) Preservation

Except as provided in subparagraph (A), no provision of this subsection or any regulation promulgated by the Secretary under this subsection supersedes or otherwise affects the application of the securities laws (as the term is defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))) or the rules, regulations, or orders of the Securities and Exchange Commission or a self-regulatory organization under that Commission.

(Pub. L. 89–136, title II, §209, as added Pub. L. 105–393, title I, §102(a), Nov. 13, 1998, 112 Stat. 3605; amended Pub. L. 108–373, title II, §207, Oct. 27, 2004, 118 Stat. 1762.)

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (c)(2), is Pub. L. 93–288, May 22, 1974, 88 Stat. 143, as amended, which is classified principally to chapter 68 (§5121 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of this title and Tables.

The Securities Act of 1933, referred to in subsec. (d)(4)(A), is title I of act May 27, 1933, ch. 38, 48 Stat. 74, as amended, which is classified generally to subchapter I (§77a et seq.) of chapter 2A of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 77a of Title 15 and Tables.

The Securities Exchange Act of 1934, referred to in subsec. (d)(4)(A), is act June 6, 1934, ch. 404, 48 Stat. 881, as amended, which is classified principally to chapter 2B (§78a et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 78a of Title 15 and Tables.

AMENDMENTS

2004—Subsec. (c)(5). Pub. L. 108–373, §207(a), added par. (5).

Subsec. (d). Pub. L. 108–373, §207(b), added subsec. (d) and struck out heading and text of former subsec. (d). Text read as follows:

''(1) IN GENERAL.—Subject to paragraph (2), an eligible recipient of a grant under this section may directly expend the grant funds or may redistribute the funds to public and private entities in the form of a grant, loan, loan guarantee, payment to reduce interest on a loan guarantee, or other appropriate assistance.

''(2) LIMITATION.—Under paragraph (1), an eligible recipient may not provide any grant to a private for-profit entity.''

§3150. Changed project circumstances

In any case in which a grant (including a supplementary grant described in section 3145 of this title) has been made by the Secretary under this subchapter (or made under this chapter, as in effect on the day before the effective date of the Economic Development Administration Reform Act of 1998) for a project, and, after the grant has been made but before completion of the project, the purpose or scope of the project that was the basis of the grant is modified, the Secretary may approve, subject (except for a grant for which funds were obligated in fiscal year 1995) to the availability of appropriations, the use of grant funds for the modified project if the Secretary determines that—

(1) the modified project meets the requirements of this subchapter and is consistent with the comprehensive economic development strategy submitted as part of the application for the grant; and

(2) the modifications are necessary to enhance economic development in the area for which the project is being carried out.

(Pub. L. 89–136, title II, §210, as added Pub. L. 105–393, title I, §102(a), Nov. 13, 1998, 112 Stat. 3606.)

REFERENCES IN TEXT

For the effective date of the Economic Development Administration Reform Act of 1998, referred to in text, see section 105 of Pub. L. 105–393, set out as an Effective Date note under section 3121 of this title.

§3151. Use of funds in projects constructed under projected cost

(a) In general

In the case of a grant to a recipient for a construction project under section 3141 or 3149 of this title, if the Secretary determines, before closeout of the project, that the cost of the project, based on the designs and specifications that were the basis of the grant, has decreased because of decreases in costs, the Secretary may approve, without further appropriation, the use of the excess funds (or a portion of the excess funds) by the recipient—

(1) to increase the Federal share of the cost of a project under this title to the maximum percentage allowable under section 3144 of this title; or

(2) to improve the project.

(b) Other uses of excess funds

Any amount of excess funds remaining after application of subsection (a) of this section may be used by the Secretary for providing assistance under this chapter.

(c) Transferred funds

In the case of excess funds described in subsection (a) of this section in projects using funds transferred from other Federal agencies pursuant to section 3214 of this title, the Secretary shall—

(1) use the funds in accordance with subsection (a) of this section, with the approval of the originating agency; or

(2) return the funds to the originating agency.

(Pub. L. 89–136, title II, §211, as added Pub. L. 105–393, title I, §102(a), Nov. 13, 1998, 112 Stat. 3606; amended Pub. L. 108–373, title II, §208, Oct. 27, 2004, 118 Stat. 1763; Pub. L. 111–8, div. G, title

I, § 1301(b), Mar. 11, 2009, 123 Stat. 829; Pub. L. 111–68, div. A, title I, § 1501(a), Oct. 1, 2009, 123 Stat. 2041.)

PRIOR PROVISIONS

Prior sections 3151 and 3151a were repealed by Pub. L. 105–393, § 102(a).

Section 3151, Pub. L. 89–136, title III, § 301, Aug. 26, 1965, 79 Stat. 558; Pub. L. 91–123, title III, § 302, Nov. 25, 1969, 83 Stat. 219; Pub. L. 93–46, § 3(a), June 18, 1973, 87 Stat. 96, authorized technical assistance to alleviate or prevent excessive unemployment or underemployment.

Section 3151a, Pub. L. 89–136, title III, § 302, as added Pub. L. 93–423, § 5(b), Sept. 27, 1974, 88 Stat. 1159; amended Pub. L. 94–487, title I, § 110, Oct. 12, 1976, 90 Stat. 2333, authorized grants for economic development planning.

AMENDMENTS

2009—Subsec. (d). Pub. L. 111–68 struck out subsec. (d). Text read as follows: ''The Comptroller General of the United States shall regularly review the implementation of this section.''

Pub. L. 111–8 added subsec. (d) and struck out former subsec. (d) which required the Comptroller General to review and report on the implementation of this section.

2004—Pub. L. 108–373 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: ''In any case in which a grant (including a supplementary grant described in section 3145 of this title) has been made by the Secretary under this subchapter (or made under this chapter, as in effect on the day before the effective date of the Economic Development Administration Reform Act of 1998) for a construction project, and, after the grant has been made but before completion of the project, the cost of the project based on the designs and specifications that was the basis of the grant has decreased because of decreases in costs—

''(1) the Secretary may approve, subject to the availability of appropriations, the use of the excess funds or a portion of the funds to improve the project; and

''(2) any amount of excess funds remaining after application of paragraph (1) shall be deposited in the general fund of the Treasury.''

§ 3152. Reports by recipients

(a) In general

Each recipient of assistance under this subchapter shall submit reports to the Secretary at such intervals and in such manner as the Secretary shall require by regulation, except that no report shall be required to be submitted more than 10 years after the date of closeout of the assistance award.

(b) Contents

Each report shall contain an evaluation of the effectiveness of the economic assistance provided under this subchapter in meeting the need that the assistance was designed to address and in meeting the objectives of this chapter.

(Pub. L. 89–136, title II, § 212, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3606.)

PRIOR PROVISIONS

A prior section 3152, Pub. L. 89–136, title III, § 303, formerly § 302, Aug. 26, 1965, 79 Stat. 560, amended Pub. L. 91–123, title III, § 303, Nov. 25, 1969, 83 Stat. 219; Pub. L. 91–304, § 1(c), July 6, 1970, 84 Stat. 375; Pub. L. 92–65, title I, § 105, Aug. 5, 1971, 85 Stat. 167; Pub. L. 93–46, § 3(b), June 18, 1973, 87 Stat. 96; renumbered § 303 and amended Pub. L. 93–423, § 5(a), (c), Sept. 27, 1974, 88 Stat. 1159, 1160; Pub. L. 94–487, title I, § 111, Oct. 12, 1976, 90 Stat. 2334; Pub. L. 96–506, § 1(5), Dec. 8, 1980, 94 Stat. 2745; Pub. L. 97–35, title XVIII, § 1821(a)(4), Aug. 13, 1981, 95 Stat. 766, authorized appropriations for technical assistance and economic development planning, prior to repeal by Pub. L. 105–393, § 102(a).

§ 3153. Prohibition on use of funds for attorney's and consultant's fees

Assistance made available under this subchapter shall not be used directly or indirectly for an attorney's or consultant's fee incurred in connection with obtaining grants and contracts under this subchapter.

(Pub. L. 89–136, title II, § 213, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3607.)

PRIOR PROVISIONS

A prior section 3153, Pub. L. 89–136, title III, § 304, as added Pub. L. 93–423, § 5(d), Sept. 27, 1974, 88 Stat. 1160; amended Pub. L. 94–487, title I, § 112, Oct. 12, 1976, 90 Stat. 2334; Pub. L. 96–506, § 1(6), Dec. 8, 1980, 94 Stat. 2745; Pub. L. 97–35, title XVIII, § 1821(a)(5), Aug. 13, 1981, 95 Stat. 766, authorized appropriations for supplemental and basic grants and loans, prior to repeal by Pub. L. 105–393, § 102(a).

§ 3154. Special impact areas

(a) In general

On the application of an eligible recipient that is determined by the Secretary to be unable to comply with the requirements of section 3162 of this title, the Secretary may waive, in whole or in part, the requirements of section 3162 of this title and designate the area represented by the recipient as a special impact area.

(b) Conditions

The Secretary may make a designation under subsection (a) of this section only after determining that—

(1) the project will fulfill a pressing need of the area; and

(2) the project will—

(A) be useful in alleviating or preventing conditions of excessive unemployment or underemployment; or

(B) assist in providing useful employment opportunities for the unemployed or underemployed residents in the area.

(c) Notification

At the time of the designation under subsection (a) of this section, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notice of the designation, including a justification for the designation.

(Pub. L. 89–136, title II, § 214, as added Pub. L. 108–373, title II, § 209(a), Oct. 27, 2004, 118 Stat. 1763.)

§ 3154a. Performance awards

(a) In general

The Secretary may make a performance award in connection with a grant made, on or after October 27, 2004, to an eligible recipient for a project under section 3141 or 3149 of this title.

(b) Performance measures

(1) Regulations

The Secretary shall promulgate regulations to establish performance measures for making performance awards under subsection (a) of this section.

(2) Considerations

In promulgating regulations under paragraph (1), the Secretary shall consider the inclusion of performance measures that assess—

(A) whether the recipient meets or exceeds scheduling goals;

(B) whether the recipient meets or exceeds job creation goals;

(C) amounts of private sector capital investments leveraged; and

(D) such other factors as the Secretary determines to be appropriate.

(c) Amount of awards

(1) In general

The Secretary shall base the amount of a performance award made under subsection (a) of this section in connection with a grant on the extent to which a recipient meets or exceeds performance measures established in connection with the grant.

(2) Maximum amount

The amount of a performance award may not exceed 10 percent of the amount of the grant.

(d) Use of awards

A recipient of a performance award under subsection (a) of this section may use the award for any eligible purpose under this chapter, in accordance with section 3212 of this title and such regulations as the Secretary may promulgate.

(e) Federal share

Notwithstanding section 3144 of this title, the funds of a performance award may be used to pay up to 100 percent of the cost of an eligible project or activity.

(f) Treatment in meeting non-Federal share requirements

For the purposes of meeting the non-Federal share requirements under this, or any other, Act the funds of a performance award shall be treated as funds from a non-Federal source.

(g) Terms and conditions

In making performance awards under subsection (a) of this section, the Secretary shall establish such terms and conditions as the Secretary considers to be appropriate.

(h) Funding

The Secretary shall use any amounts made available for economic development assistance programs to carry out this section.

(i) Reporting requirement

The Secretary shall include information regarding performance awards made under this section in the annual report required under section 3213 of this title.

(j) Review by Comptroller General

(1) Review

The Comptroller General shall regularly review the implementation of this section.

(2) Report

Not later than 1 year after October 27, 2004, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the Comptroller on implementation of this subsection.

(Pub. L. 89–136, title II, § 215, as added Pub. L. 108–373, title II, § 210(a), Oct. 27, 2004, 118 Stat. 1764.)

§ 3154b. Planning performance awards

(a) In general

The Secretary may make a planning performance award in connection with a grant made, on or after October 27, 2004, to an eligible recipient for a project under this subchapter located in an economic development district.

(b) Eligibility

The Secretary may make a planning performance award to an eligible recipient under subsection (a) of this section in connection with a grant for a project if the Secretary determines before closeout of the project that—

(1) the recipient actively participated in the economic development activities of the economic development district in which the project is located;

(2) the project is consistent with the comprehensive economic development strategy of the district;

(3) the recipient worked with Federal, State, and local economic development entities throughout the development of the project; and

(4) the project was completed in accordance with the comprehensive economic development strategy of the district.

(c) Maximum amount

The amount of a planning performance award made under subsection (a) of this section in connection with a grant may not exceed 5 percent of the amount of the grant.

(d) Use of awards

A recipient of a planning performance award under subsection (a) of this section shall use the award to increase the Federal share of the cost of a project under this subchapter.

(e) Federal share

Notwithstanding section 3144 of this title, the funds of a planning performance award may be used to pay up to 100 percent of the cost of a project under this subchapter.

(f) Funding

The Secretary shall use any amounts made available for economic development assistance programs to carry out this section.

(Pub. L. 89–136, title II, § 216, as added Pub. L. 108–373, title II, § 211(a), Oct. 27, 2004, 118 Stat. 1765.)

§ 3154c. Direct expenditure or redistribution by recipient

(a) In general

Subject to subsection (b) of this section, a recipient of a grant under section 3141, 3143, or 3147

of this title may directly expend the grant funds or may redistribute the funds in the form of a subgrant to other eligible recipients to fund required components of the scope of work approved for the project.

(b) Limitation

A recipient may not redistribute grant funds received under section 3141 or 3143 of this title to a for-profit entity.

(c) Economic adjustment

Subject to subsection (d) of this section, a recipient of a grant under section 3149 of this title may directly expend the grant funds or may redistribute the funds to public and private entities in the form of a grant, loan, loan guarantee, payment to reduce interest on a loan guarantee, or other appropriate assistance.

(d) Limitation

Under subsection (c) of this section, a recipient may not provide any grant to a private for-profit entity.

(Pub. L. 89–136, title II, § 217, as added Pub. L. 108–373, title II, § 212(a), Oct. 27, 2004, 118 Stat. 1766.)

§ 3154d. Brightfields demonstration program

(a) Definition of brightfield site

In this section, the term ''brightfield site'' means a brownfield site that is redeveloped through the incorporation of 1 or more solar energy technologies.

(b) Demonstration program

On the application of an eligible recipient, the Secretary may make a grant for a project for the development of a brightfield site if the Secretary determines that the project will—

(1) use 1 or more solar energy technologies to develop abandoned or contaminated sites for commercial use; and

(2) improve the commercial and economic opportunities in the area in which the project is located.

(c) Savings clause

To the extent that any portion of a grant awarded under subsection (b) of this section involves remediation, the remediation shall be subject to section 3222 of this title.

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2008, to remain available until expended.

(Pub. L. 89–136, title II, § 218, as added Pub. L. 108–373, title II, § 213(a), Oct. 27, 2004, 118 Stat. 1766.)

SUBCHAPTER III—ELIGIBILITY; COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

§ 3161. Eligibility of areas

(a) In general

For a project to be eligible for assistance under section 3141 or 3149 of this title, the project shall be located in an area that, on the date of submission of the application, meets 1 or more of the following criteria:

(1) Low per capita income

The area has a per capita income of 80 percent or less of the national average.

(2) Unemployment rate above national average

The area has an unemployment rate that is, for the most recent 24-month period for which data are available, at least 1 percent greater than the national average unemployment rate.

(3) Unemployment or economic adjustment problems

The area is an area that the Secretary determines has experienced or is about to experience a special need arising from actual or threatened severe unemployment or economic adjustment problems resulting from severe short-term or long-term changes in economic conditions.

(b) Political boundaries of areas

An area that meets 1 or more of the criteria of subsection (a) of this section, including a small area of poverty or high unemployment within a larger community in less economic distress, shall be eligible for assistance under section 3141 or 3149 of this title without regard to political or other subdivisions or boundaries.

(c) Documentation

(1) In general

A determination of eligibility under subsection (a) of this section shall be supported by the most recent Federal data available (including data available from the Bureau of Economic Analysis, the Bureau of Labor Statistics, the Census Bureau, the Bureau of Indian Affairs, or any other Federal source determined by the Secretary to be appropriate), or, if no recent Federal data is available, by the most recent data available through the government of the State in which the area is located.

(2) Acceptance by Secretary

The documentation shall be accepted by the Secretary unless the Secretary determines that the documentation is inaccurate.

(d) Prior designations

Any designation of a redevelopment area made before the effective date of the Economic Development Administration Reform Act of 1998 shall not be effective after that effective date.

(Pub. L. 89–136, title III, § 301, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3607; amended Pub. L. 108–373, title III, § 301, Oct. 27, 2004, 118 Stat. 1767.)

REFERENCES IN TEXT

For the effective date of the Economic Development Administration Reform Act of 1998, referred to in subsec. (d), see section 105 of Pub. L. 105–393, set out as an Effective Date note under section 3121 of this title.

PRIOR PROVISIONS

A prior section 3161, Pub. L. 89–136, title IV, § 401, Aug. 26, 1965, 79 Stat. 560; Pub. L. 89–794, title XI, § 1102, Nov. 8, 1966, 80 Stat. 1477; Pub. L. 91–123, title III, § 304, Nov. 25, 1969, 83 Stat. 219; Pub. L. 92–65, title I, § 106, Aug. 5,

1971, 85 Stat. 167; Pub. L. 93–423, §§3(a), 6, Sept. 27, 1974, 88 Stat. 1158, 1161; Pub. L. 94–487, title I, §§113, 114, Oct. 12, 1976, 90 Stat. 2334, set forth criteria for determining eligible redevelopment areas, prior to repeal by Pub. L. 105–393, §102(a).

A prior section 301 of Pub. L. 89–136 was classified to section 3151 of this title prior to repeal by Pub. L. 105–393, §102(a).

AMENDMENTS

2004—Subsec. (c)(1). Pub. L. 108–373 inserted ''(including data available from the Bureau of Economic Analysis, the Bureau of Labor Statistics, the Census Bureau, the Bureau of Indian Affairs, or any other Federal source determined by the Secretary to be appropriate)'' after ''most recent Federal data available''.

§ 3162. Comprehensive economic development strategies

(a) In general

The Secretary may provide assistance under section 3141 or 3149 of this title (except for planning assistance under section 3149 of this title) to an eligible recipient for a project only if the eligible recipient submits to the Secretary, as part of an application for the assistance—

(1) an identification of the economic development problems to be addressed using the assistance;

(2) an identification of the past, present, and projected future economic development investments in the area receiving the assistance and public and private participants and sources of funding for the investments; and

(3)(A) a comprehensive economic development strategy for addressing the economic problems identified under paragraph (1) in a manner that promotes economic development and opportunity, fosters effective transportation access, maximizes effective development and use of the workforce consistent with any applicable State or local workforce investment strategy, promotes the use of technology in economic development (including access to high-speed telecommunications), enhances and protects the environment, and balances resources through sound management of development; and

(B) a description of how the strategy will solve the problems.

(b) Approval of comprehensive economic development strategy

The Secretary shall approve a comprehensive economic development strategy that meets the requirements of subsection (a) of this section to the satisfaction of the Secretary.

(c) Approval of other plan

(1) In general

The Secretary may accept as a comprehensive economic development strategy a satisfactory plan developed under another federally supported program.

(2) Existing strategy

To the maximum extent practicable, a plan submitted under this paragraph shall be consistent and coordinated with any existing comprehensive economic development strategy for the area.

(Pub. L. 89–136, title III, §302, as added Pub. L. 105–393, title I, §102(a), Nov. 13, 1998, 112 Stat. 3608; amended Pub. L. 108–373, title III, §302, Oct. 27, 2004, 118 Stat. 1767.)

PRIOR PROVISIONS

A prior section 3162, Pub. L. 89–136, title IV, §402, Aug. 26, 1965, 79 Stat. 561; Pub. L. 92–65, title I, §107, Aug. 5, 1971, 85 Stat. 167, required annual review of area eligibility, prior to repeal by Pub. L. 105–393, §102(a).

A prior section 302 of Pub. L. 89–136 was classified to section 3151a of this title prior to repeal by Pub. L. 105–393, §102(a).

AMENDMENTS

2004—Subsec. (a)(3)(A). Pub. L. 108–373, §302(a), inserted ''maximizes effective development and use of the workforce consistent with any applicable State or local workforce investment strategy, promotes the use of technology in economic development (including access to high-speed telecommunications),'' after ''access,''.

Subsec. (c). Pub. L. 108–373, §302(b), designated existing provisions as par. (1), inserted heading, and added par. (2).

SUBCHAPTER IV—ECONOMIC DEVELOPMENT DISTRICTS

§ 3171. Designation of economic development districts

(a) In general

In order that economic development projects of broad geographic significance may be planned and carried out, the Secretary may designate appropriate economic development districts in the United States, with the concurrence of the States in which the districts will be wholly or partially located, if—

(1) the proposed district is of sufficient size or population, and contains sufficient resources, to foster economic development on a scale involving more than a single area described in section 3161(a) of this title;

(2) the proposed district contains at least 1 area described in section 3161(a) of this title; and

(3) the proposed district has a comprehensive economic development strategy that—

(A) contains a specific program for intradistrict cooperation, self-help, and public investment; and

(B) is approved by each affected State and by the Secretary.

(b) Authorities

The Secretary may, under regulations promulgated by the Secretary—

(1) invite the States to determine boundaries for proposed economic development districts;

(2) cooperate with the States—

(A) in sponsoring and assisting district economic planning and economic development groups; and

(B) in assisting the district groups in formulating comprehensive economic development strategies for districts; and

(3) encourage participation by appropriate local government entities in the economic development districts.

(Pub. L. 89–136, title IV, §401, as added Pub. L. 105–393, title I, §102(a), Nov. 13, 1998, 112 Stat. 3608.)

PRIOR PROVISIONS

A prior section 3171, Pub. L. 89–136, title IV, §403, Aug. 26, 1965, 79 Stat. 562; Pub. L. 91–304, §1(d), July 6, 1970,

84 Stat. 375; Pub. L. 92–65, title I, § 108, Aug. 5, 1971, 85 Stat. 167; Pub. L. 93–46, § 4, June 18, 1973, 87 Stat. 96; Pub. L. 93–423, § 7, Sept. 27, 1974, 88 Stat. 1161; Pub. L. 94–487, title I, § 115, Oct. 12, 1976, 90 Stat. 2335; Pub. L. 96–506, § 1(7), Dec. 8, 1980, 94 Stat. 2745; Pub. L. 97–35, title XVIII, § 1821(a)(6), Aug. 13, 1981, 95 Stat. 766, authorized Secretary to designate economic development districts and centers, prior to repeal by Pub. L. 105–393, § 102(a).

A prior section 401 of Pub. L. 89–136 was classified to section 3161 of this title prior to repeal by Pub. L. 105–393, § 102(a).

§ 3172. Termination or modification of economic development districts

The Secretary shall, by regulation, promulgate standards for the termination or modification of the designation of economic development districts.

(Pub. L. 89–136, title IV, § 402, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3609.)

PRIOR PROVISIONS

A prior section 3172, Pub. L. 89–136, title IV, § 404, as added Pub. L. 93–423, § 8, Sept. 27, 1974, 88 Stat. 1162; amended Pub. L. 94–487, title I, § 116, Oct. 12, 1976, 90 Stat. 2335; Pub. L. 96–506, § 1(8), Dec. 8, 1980, 94 Stat. 2745; Pub. L. 97–35, title XVIII, § 1821(a)(7), Aug. 13, 1981, 95 Stat. 766, authorized additional appropriations for Indian economic development, prior to repeal by Pub. L. 105–393, § 102(a).

A prior section 402 of Pub. L. 89–136 was classified to section 3162 of this title prior to repeal by Pub. L. 105–393, § 102(a).

§ 3173. Repealed. Pub. L. 108–373, title IV, § 401(a), Oct. 27, 2004, 118 Stat. 1767

Section, Pub. L. 89–136, title IV, § 403, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3609, related to incentives for projects in economic development districts.

PRIOR PROVISIONS

A prior section 3173, Pub. L. 89–136, title IV, § 405, as added Pub. L. 94–487, title I, § 117, Oct. 12, 1976, 90 Stat. 2335, directed furnishing of unemployment rate information by either Federal Government or State, prior to repeal by Pub. L. 105–393, § 102(a).

A prior section 403 of Pub. L. 89–136 was classified to section 3171 of this title prior to repeal by Pub. L. 105–393, § 102(a).

§ 3174. Provision of comprehensive economic development strategies to Regional Commissions

If any part of an economic development district is in a region covered by 1 or more of the Regional Commissions, the economic development district shall ensure that a copy of the comprehensive economic development strategy of the district is provided to the affected Regional Commission.

(Pub. L. 89–136, title IV, § 404, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3609; amended Pub. L. 108–373, title IV, § 402(a), Oct. 27, 2004, 118 Stat. 1768.)

PRIOR PROVISIONS

A prior section 404 of Pub. L. 89–136 was classified to section 3172 of this title prior to repeal by Pub. L. 105–393, § 102(a).

AMENDMENTS

2004—Pub. L. 108–373 amended section catchline and text generally. Prior to amendment, text read as follows: "If any part of an economic development district is in the Appalachian region (as defined in section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.)), the economic development district shall ensure that a copy of the comprehensive economic development strategy of the district is provided to the Appalachian Regional Commission established under that Act."

§ 3175. Assistance to parts of economic development districts not in eligible areas

Notwithstanding section 3161 of this title, the Secretary may provide such assistance as is available under this chapter for a project in a part of an economic development district that is not in an area described in section 3161(a) of this title, if the project will be of a substantial direct benefit to an area described in section 3161(a) of this title that is located in the district.

(Pub. L. 89–136, title IV, § 405, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3609.)

PRIOR PROVISIONS

A prior section 405 of Pub. L. 89–136 was classified to section 3173 of this title prior to repeal by Pub. L. 105–393, § 102(a).

Prior sections 3181 to 3190 were repealed by Pub. L. 97–35, title XVIII, § 1821(a)(8), Aug. 13, 1981, 95 Stat. 766, effective Sept. 30, 1981.

Section 3181, Pub. L. 89–136, title V, § 501, Aug. 26, 1965, 79 Stat. 564; Pub. L. 91–123, title II, § 202, Nov. 25, 1969, 83 Stat. 216; Pub. L. 94–188, title II, § 209(a), Dec. 31, 1975, 89 Stat. 1091, related to designation, etc., of economic development regions.

Section 3182, Pub. L. 89–136, title V, § 502, Aug. 26, 1965, 79 Stat. 564; Pub. L. 94–188, title II, §§ 208, 209(b), Dec. 31, 1975, 89 Stat. 1091, related to establishment, membership, etc., of regional commissions.

Section 3183, Pub. L. 89–136, title V, § 503, Aug. 26, 1965, 79 Stat. 565; Pub. L. 90–103, title II, § 201, Oct. 11, 1967, 81 Stat. 266; Pub. L. 93–423, § 9(a), Sept. 27, 1974, 88 Stat. 1162, set forth functions of Commissions.

Section 3184, Pub. L. 89–136, title V, § 504, Aug. 26, 1965, 79 Stat. 566, set out program development criteria.

Section 3185, Pub. L. 89–136, title V, § 505, Aug. 26, 1965, 79 Stat. 566; Pub. L. 90–103, title II, § 202, Oct. 11, 1967, 81 Stat. 266; Pub. L. 91–123, title II, § 203, Nov. 25, 1969, 83 Stat. 216; Pub. L. 93–423, § 9(b), Sept. 27, 1974, 88 Stat. 1162; Pub. L. 94–273, § 2(25), Apr. 21, 1976, 90 Stat. 376, set out provisions relating to technical and planning assistance to regional commissions.

Section 3186, Pub. L. 89–136, title V, § 506, Aug. 26, 1965, 79 Stat. 567; Pub. L. 91–123, title II, § 204, Nov. 25, 1969, 83 Stat. 217, related to administrative powers of regional commissions and headquarters of Federal co-chairman.

Section 3187, Pub. L. 89–136, title V, § 507, Aug. 26, 1965, 79 Stat. 568, related to information procurement.

Section 3188, Pub. L. 89–136, title V, § 508, Aug. 26, 1965, 79 Stat. 568, related to personal financial interests of commission personnel.

Section 3188a, Pub. L. 89–136, title V, § 509, as added Pub. L. 90–103, title II, § 203, Oct. 11, 1967, 81 Stat. 266; amended Pub. L. 91–123, title II, § 205, Nov. 25, 1969, 83 Stat. 217; Pub. L. 91–258, title I, § 52(b)(2), May 21, 1970, 84 Stat. 235; Pub. L. 92–65, title I, § 109, Aug. 5, 1971, 85 Stat. 167; Pub. L. 93–46, § 5, June 18, 1973, 87 Stat. 97; Pub. L. 93–423, § 9(c), Sept. 27, 1974, 88 Stat. 1162; Pub. L. 94–188, title II, § 202, Dec. 31, 1975, 89 Stat. 1087; Pub. L. 94–487, title I, §§ 118, 119, Oct. 12, 1976, 90 Stat. 2335, 2336; Pub. L. 96–506, § 1(9), Dec. 8, 1980, 94 Stat. 2745, related to supplements to Federal grant-in-aid programs.

Section 3189, Pub. L. 89–136, title V, § 510, formerly § 509, Aug. 26, 1965, 79 Stat. 569; renumbered § 510, Pub. L. 90–103, title II, § 203, Oct. 11, 1967, 81 Stat. 266; Pub. L. 94–273, § 25, Apr. 21, 1976, 90 Stat. 380, related to annual reports to Congress.

Section 3190, Pub. L. 89–136, title V, § 511, as added Pub. L. 91–123, title II, § 206, Nov. 25, 1969, 83 Stat. 218; amended Pub. L. 93–423, § 9(d), Sept. 27, 1974, 88 Stat. 1162, required coordination of activities between Secretary and Federal cochairmen in grants and loans.

SUBCHAPTER V—ADMINISTRATION

§ 3191. Assistant Secretary for Economic Development

(a) In general

The Secretary shall carry out this chapter through an Assistant Secretary of Commerce for Economic Development, to be appointed by the President, by and with the advice and consent of the Senate.

(b) Compensation

The Assistant Secretary of Commerce for Economic Development shall be compensated at the rate payable for level IV of the Executive Schedule under section 5315 of title 5.

(c) Duties

The Assistant Secretary of Commerce for Economic Development shall carry out such duties as the Secretary shall require and shall serve as the administrator of the Economic Development Administration of the Department.

(Pub. L. 89–136, title V, § 501, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3610.)

PRIOR PROVISIONS

A prior section 3191, Pub. L. 89–136, title V, § 512, as added Pub. L. 91–123, title II, § 206, Nov. 25, 1969, 83 Stat. 218; amended Pub. L. 92–65, title I, § 110, Aug. 5, 1971, 85 Stat. 167, related to Federal Field Committee for Development Planning in Alaska, prior to repeal by Pub. L. 97–35, title XVIII, § 1821(a)(8), Aug. 13, 1981, 95 Stat. 766, effective Sept. 30, 1981.

A prior section 501 of Pub. L. 89–136 was classified to section 3181 of this title prior to repeal by Pub. L. 97–35, § 1821(a)(8).

§ 3192. Economic development information clearinghouse

In carrying out this chapter, the Secretary shall—

(1) maintain a central information clearinghouse on the Internet with—

(A) information on economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment programs and activities of the Federal Government;

(B) links to State economic development organizations; and

(C) links to other appropriate economic development resources;

(2) assist potential and actual applicants for economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment assistance under Federal and State laws in locating and applying for the assistance;

(3) assist areas described in section 3161(a) of this title and other areas by providing to interested persons, communities, industries, and businesses in the areas any technical information, market research, or other forms of assistance, information, or advice that would be useful in alleviating or preventing conditions of excessive unemployment or underemployment in the areas; and

(4) obtain appropriate information from other Federal agencies needed to carry out the duties under this chapter.

(Pub. L. 89–136, title V, § 502, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3610; amended Pub. L. 108–373, title V, § 501, Oct. 27, 2004, 118 Stat. 1768.)

PRIOR PROVISIONS

A prior section 3192, Pub. L. 89–136, title V, § 513, as added Pub. L. 91–123, title II, § 206, Nov. 25, 1969, 83 Stat. 219; amended Pub. L. 94–188, title II, § 203, Dec. 31, 1975, 89 Stat. 1087, related to regional transportation systems, prior to repeal by Pub. L. 97–35, title XVIII, § 1821(a)(8), Aug. 13, 1981, 95 Stat. 766, effective Sept. 30, 1981.

A prior section 502 of Pub. L. 89–136 was classified to section 3182 of this title prior to repeal by Pub. L. 97–35, § 1821(a)(8).

AMENDMENTS

2004—Par. (1). Pub. L. 108–373, § 501(1), added par. (1) and struck out former par. (1) which read as follows: ''maintain a central information clearinghouse on matters relating to economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment programs and activities of the Federal and State governments, including political subdivisions of States;''.

Par. (2). Pub. L. 108–373, § 501(2), added par. (2) and struck out former par. (2) which read as follows: ''assist potential and actual applicants for economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment assistance under Federal, State, and local laws in locating and applying for the assistance; and''.

Par. (4). Pub. L. 108–373, § 501(3), (4), added par. (4).

§ 3193. Consultation with other persons and agencies

(a) Consultation on problems relating to employment

The Secretary may consult with any persons, including representatives of labor, management, agriculture, and government, who can assist in addressing the problems of area and regional unemployment or underemployment.

(b) Consultation on administration of chapter

The Secretary may provide for such consultation with interested Federal agencies as the Secretary determines to be appropriate in the performance of the duties of the Secretary under this chapter.

(Pub. L. 89–136, title V, § 503, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3610.)

PRIOR PROVISIONS

A prior section 3193, Pub. L. 89–136, title V, § 514, as added Pub. L. 93–423, § 11, Sept. 27, 1974, 88 Stat. 1162, provided for the acquisition and disposal of excess property from the Administrator of General Services by the Federal cochairman of each regional action planning commission, prior to repeal by Pub. L. 94–519, §§ 6, 9, Oct. 17, 1976, 90 Stat. 2456, 2457, effective Oct. 17, 1977.

A prior section 503 of Pub. L. 89–136 was classified to section 3183 of this title prior to repeal by Pub. L. 97–35, § 1821(a)(8).

§ 3194. Administration, operation, and maintenance

The Secretary shall approve Federal assistance under this chapter only if the Secretary is satisfied that the project for which Federal assistance is granted will be properly and efficiently administered, operated, and maintained.

(Pub. L. 89–136, title V, § 504, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3610.)

PRIOR PROVISIONS

A prior section 3194, Pub. L. 89–136, title V, § 515, as added Pub. L. 94–188, title II, § 204, Dec. 31, 1975, 89 Stat. 1088, related to energy demonstration projects and programs, prior to repeal by Pub. L. 97–35, title XVIII, § 1821(a)(8), Aug. 13, 1981, 95 Stat. 766, effective Sept. 30, 1981.

A prior section 504 of Pub. L. 89–136 was classified to section 3184 of this title prior to repeal by Pub. L. 97–35, § 1821(a)(8).

§ 3195. Repealed. Pub. L. 108–373, title V, § 502(a), Oct. 27, 2004, 118 Stat. 1768

Section, Pub. L. 89–136, title V, § 505, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3610, related to businesses desiring Federal contracts.

PRIOR PROVISIONS

A prior section 3195, Pub. L. 89–136, title V, § 516, as added Pub. L. 94–188, title II, § 205, Dec. 31, 1975, 89 Stat. 1088, related to health and nutrition demonstration projects, prior to repeal by Pub. L. 97–35, title XVIII, § 1821(a)(8), Aug. 13, 1981, 95 Stat. 766, effective Sept. 30, 1981.

A prior section 505 of Pub. L. 89–136 was classified to section 3185 of this title prior to repeal by Pub. L. 97–35, § 1821(a)(8).

§ 3196. Performance evaluations of grant recipients

(a) In general

The Secretary shall conduct an evaluation of each university center and each economic development district that receives grant assistance under this chapter (each referred to in this section as a ''grantee'') to assess the grantee's performance and contribution toward retention and creation of employment.

(b) Purpose of evaluations of university centers

The purpose of the evaluations of university centers under subsection (a) of this section shall be to determine which university centers are performing well and are worthy of continued grant assistance under this chapter, and which should not receive continued assistance, so that university centers that have not previously received assistance may receive assistance.

(c) Timing of evaluations

Evaluations under subsection (a) of this section shall be conducted on a continuing basis so that each grantee is evaluated within 3 years after the first award of assistance to the grantee, and at least once every 3 years thereafter, so long as the grantee receives the assistance.

(d) Evaluation criteria

(1) Establishment

The Secretary shall establish criteria for use in conducting evaluations under subsection (a) of this section.

(2) Evaluation criteria for university centers

The criteria for evaluation of a university center shall, at a minimum, provide for an assessment of the center's contribution to providing technical assistance, conducting applied research, program performance, and disseminating results of the activities of the center.

(3) Evaluation criteria for economic development districts

The criteria for evaluation of an economic development district shall, at a minimum, provide for an assessment of management standards, financial accountability, and program performance.

(e) Peer review

In conducting an evaluation of a university center or economic development district under subsection (a) of this section, the Secretary shall provide for the participation of at least 1 other university center or economic development district, as appropriate, on a cost-reimbursement basis.

(Pub. L. 89–136, title V, § 506, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3611; amended Pub. L. 108–373, title V, § 503, Oct. 27, 2004, 118 Stat. 1769.)

PRIOR PROVISIONS

A prior section 3196, Pub. L. 89–136, title V, § 517, as added Pub. L. 94–188, title II, § 206, Dec. 31, 1975, 89 Stat. 1090, related to vocational and technical educational demonstration projects, prior to repeal by Pub. L. 97–35, title XVIII, § 1821(a)(8), Aug. 13, 1981, 95 Stat. 766, effective Sept. 30, 1981.

A prior section 506 of Pub. L. 89–136 was classified to section 3186 of this title prior to repeal by Pub. L. 97–35, § 1821(a)(8).

AMENDMENTS

2004–Subsec. (c). Pub. L. 108–373, § 503(a), struck out ''after the effective date of the Economic Development Administration Reform Act of 1998'' after ''assistance to the grantee''.

Subsec. (d)(2). Pub. L. 108–373, § 503(b), inserted ''program performance,'' after ''applied research,''.

§ 3197. Notification of reorganization

Not later than 30 days before the date of any reorganization of the offices, programs, or activities of the Economic Development Administration, the Secretary shall provide notification of the reorganization to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(Pub. L. 89–136, title V, § 507, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3611.)

PRIOR PROVISIONS

A prior section 507 of Pub. L. 89–136 was classified to section 3187 of this title prior to repeal by Pub. L. 97–35, § 1821(a)(8).

Prior sections 3201 to 3204 were repealed by Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3597.

Section 3201, Pub. L. 89–136, title VI, § 601(a), Aug. 26, 1965, 79 Stat. 569; Pub. L. 97–195, § 1(c)(3), June 16, 1982, 96 Stat. 115, related to appointment of Assistant Sec-

retary of Commerce and Administrator for Economic Development.

Section 3202, Pub. L. 89–136, title VI, § 602, Aug. 26, 1965, 79 Stat. 570, related to National Public Advisory Committee on Regional Economic Development.

Section 3203, Pub. L. 89–136, title VI, § 603, Aug. 26, 1965, 79 Stat. 570, authorized Secretary to consult with other persons and agencies.

Section 3204, Pub. L. 89–136, title VI, § 604, as added Pub. L. 90–103, title II, § 204, Oct. 11, 1967, 81 Stat. 268, conditioned assistance upon proper administration, operation, and maintenance of project.

SUBCHAPTER VI—MISCELLANEOUS

§ 3211. Powers of Secretary

(a) In general

In carrying out the duties of the Secretary under this chapter, the Secretary may—

(1) adopt, alter, and use a seal, which shall be judicially noticed;

(2) subject to the civil service and classification laws, select, employ, appoint, and fix the compensation of such personnel as are necessary to carry out this chapter;

(3) hold such hearings, sit and act at such times and places, and take such testimony, as the Secretary determines to be appropriate;

(4) request directly, from any Federal agency, board, commission, office, or independent establishment, such information, suggestions, estimates, and statistics as the Secretary determines to be necessary to carry out this chapter (and each Federal agency, board, commission, office, or independent establishment may provide such information, suggestions, estimates, and statistics directly to the Secretary);

(5) under regulations promulgated by the Secretary—

(A) assign or sell at public or private sale, or otherwise dispose of for cash or credit, in the Secretary's discretion and on such terms and conditions and for such consideration as the Secretary determines to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by the Secretary in connection with assistance provided under this chapter; and

(B) collect or compromise all obligations assigned to or held by the Secretary in connection with that assistance until such time as the obligations are referred to the Attorney General for suit or collection;

(6) deal with, complete, renovate, improve, modernize, insure, rent, or sell for cash or credit, on such terms and conditions and for such consideration as the Secretary determines to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary in connection with assistance provided under this chapter;

(7) pursue to final collection, by means of compromise or other administrative action, before referral to the Attorney General, all claims against third parties assigned to the Secretary in connection with assistance provided under this chapter;

(8) acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible), to the extent appropriate in connection with assistance provided under this chapter;

(9) in addition to any powers, functions, privileges, and immunities otherwise vested in the Secretary, take any action, including the procurement of the services of attorneys by contract, determined by the Secretary to be necessary or desirable in making, purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with assets held in connection with financial assistance provided under this chapter;

(10)(A) employ experts and consultants or organizations as authorized by section 3109 of title 5 except that contracts for such employment may be renewed annually;

(B) compensate individuals so employed, including compensation for travel time; and

(C) allow individuals so employed, while away from their homes or regular places of business, travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons employed intermittently in the Federal Government service;

(11) establish performance measures for grants and other assistance provided under this chapter, and use the performance measures to evaluate the economic impact of economic development assistance programs under this chapter, which establishment and use of performance measures shall be provided by the Secretary through—

(A) officers or employees of the Department;

(B) the employment of persons under contracts entered into for such purposes; or

(C) grants to persons, using funds made available to carry out this chapter;

(12) conduct environmental reviews and incur necessary expenses to evaluate and monitor the environmental impact of economic development assistance provided and proposed to be provided under this chapter, including expenses associated with the representation and defense of the actions of the Secretary relating to the environmental impact of the assistance, using any funds made available to carry out section 3147 of this title;

(13) sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, except that no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Secretary or the property of the Secretary; and

(14) establish such rules, regulations, and procedures as the Secretary considers appropriate for carrying out this chapter.

(b) Deficiency judgments

The authority under subsection (a)(7) of this section to pursue claims shall include the authority to obtain deficiency judgments or otherwise pursue claims relating to mortgages assigned to the Secretary.

(c) Inapplicability of certain other requirements

Section 6101 of title 41 shall not apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of property obtained by the Secretary as a result of

assistance provided under this chapter if the premium for the insurance or the amount of the services or supplies does not exceed $1,000.

(d) Property interests

(1) In general

The powers of the Secretary under this section, relating to property acquired by the Secretary in connection with assistance provided under this chapter, shall extend to property interests of the Secretary relating to projects approved under—

(A) this chapter;

(B) title I of the Public Works Employment Act of 1976 (42 U.S.C. 6701 et seq.);

(C) title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); and

(D) the Community Emergency Drought Relief Act of 1977 (42 U.S.C. 5184 note; Public Law 95–31).

(2) Release

The Secretary may release, in whole or in part, any real property interest, or tangible personal property interest, in connection with a grant after the date that is 20 years after the date on which the grant was awarded.

(e) Powers of conveyance and execution

The power to convey and to execute, in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest in such property acquired by the Secretary under this chapter may be exercised by the Secretary, or by any officer or agent appointed by the Secretary for that purpose, without the execution of any express delegation of power or power of attorney.

(Pub. L. 89–136, title VI, § 601, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3611.)

REFERENCES IN TEXT

The Public Works Employment Act of 1976, referred to in subsec. (d)(1)(B), is Pub. L. 94–369, July 22, 1976, 90 Stat. 999. Title I of the Act, known as the Local Public Works Capital Development and Investment Act of 1976, is classified generally to subchapter I (§ 6701 et seq.) of chapter 80 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6701 of this title and Tables.

The Trade Act of 1974, referred to in subsec. (d)(1)(C), is Pub. L. 93–618, Jan. 3, 1975, 88 Stat. 1978. Title II of the Act is classified generally to subchapter II (§ 2251 et seq.) of chapter 12 of Title 19, Customs Duties. For complete classification of this Act to the Code, see section 2101 of Title 19 and Tables.

The Community Emergency Drought Relief Act of 1977, referred to in subsec. (d)(1)(D), is Pub. L. 95–31, May 23, 1977, 91 Stat. 169. Title I of the Act is set out as a note under section 5184 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

In subsec. (c), ''Section 6101 of title 41'' substituted for ''Section 3709 of the Revised Statutes (41 U.S.C. 5)'' on authority of Pub. L. 111–350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

PRIOR PROVISIONS

A prior section 3211, Pub. L. 89–136, title VII, § 701, Aug. 26, 1965, 79 Stat. 570, set forth powers of Secretary, prior to repeal by Pub. L. 105–393, § 102(b)(3).

A prior section 601(a) of Pub. L. 89–136 was classified to section 3201 of this title prior to repeal by Pub. L. 105–393, § 102(a).

§ 3212. Maintenance of standards

All laborers and mechanics employed by contractors or subcontractors on projects assisted by the Secretary under this chapter shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40. The Secretary shall not extend any financial assistance under this chapter for such a project without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standards specified in this provision, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 3145 of title 40.

(Pub. L. 89–136, title VI, § 602, formerly title VII, § 712, Aug. 26, 1965, 79 Stat. 575; Pub. L. 93–567, title III, § 302, Dec. 31, 1974, 88 Stat. 1855; renumbered title VI, § 602, and amended Pub. L. 105–393, title I, § 102(b)(1), (2), Nov. 13, 1998, 112 Stat. 3616; Pub. L. 108–373, title V, § 504, Oct. 27, 2004, 118 Stat. 1769.)

REFERENCES IN TEXT

Reorganization Plan Numbered 14 of 1950, referred to in text, is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

Section was formerly classified to section 3222 of this title prior to renumbering by Pub. L. 105–393.

PRIOR PROVISIONS

A prior section 3212, Pub. L. 89–136, title VII, § 702, Aug. 26, 1965, 79 Stat. 572, related to prevention of unfair competition, prior to repeal by Pub. L. 105–393, § 102(b)(3).

A prior section 602 of Pub. L. 89–136 was classified to section 3202 of this title prior to repeal by Pub. L. 105–393, § 102(a).

AMENDMENTS

2004—Pub. L. 108–373 substituted ''in accordance with subchapter IV of chapter 31 of title 40'' for ''in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5)'' in first sentence and ''section 3145 of title 40'' for ''section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)'' in third sentence.

1998—Pub. L. 105–393, § 102(b)(2)(A), substituted section catchline for former section catchline.

Pub. L. 105–393, § 102(b)(2)(B), which directed amendment of text by substituting ''this chapter'' for ''sections 3131, 3141, 3142, 3171, 3243, and 3246b of this title'' in second sentence, was executed by making the substitution for phrase which began with ''section 3131'' rather than ''sections 3131'', to reflect the probable intent of Congress.

1974—Pub. L. 93–567 inserted references to sections 3243 and 3236b of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105–393 effective on date determined by Secretary of Commerce, but not later than 90 days after Nov. 13, 1998, see section 105 of Pub. L. 105–393, set out as an Effective Date note under section 3121 of this title.

§ 3213. Annual report to Congress

(a) In general

Not later than July 1, 2000, and July 1 of each year thereafter, the Secretary shall submit to Congress a comprehensive and detailed annual report on the activities of the Secretary under this chapter during the most recently completed fiscal year.

(b) Inclusions

Each report required under subsection (a) of this section shall—

(1) include a list of all grant recipients by State, including the projected private sector dollar to Federal dollar investment ratio for each grant recipient;

(2) include a discussion of any private sector leveraging goal with respect to grants awarded to—

(A) rural and urban economically distressed areas; and

(B) highly distressed areas; and

(3) after the completion of a project, include the realized private sector dollar to Federal dollar investment ratio for the project.

(Pub. L. 89–136, title VI, § 603, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3614; amended Pub. L. 108–373, title VI, § 601, Oct. 27, 2004, 118 Stat. 1769.)

PRIOR PROVISIONS

A prior section 3213, Pub. L. 89–136, title VII, § 703, Aug. 26, 1965, 79 Stat. 572, set forth savings provisions, prior to repeal by Pub. L. 105–393, § 102(b)(3).

A prior section 603 of Pub. L. 89–136 was classified to section 3203 of this title prior to repeal by Pub. L. 105–393, § 102(a).

AMENDMENTS

2004—Pub. L. 108–373 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

§ 3214. Delegation of functions and transfer of funds among Federal agencies

(a) Delegation of functions to other Federal agencies

The Secretary may—

(1) delegate to the heads of other Federal agencies such functions, powers, and duties of the Secretary under this chapter as the Secretary determines to be appropriate; and

(2) authorize the redelegation of the functions, powers, and duties by the heads of the agencies.

(b) Transfer of funds to other Federal agencies

Funds authorized to be appropriated to carry out this chapter may be transferred between Federal agencies, if the funds are used for the purposes for which the funds are specifically authorized and appropriated.

(c) Transfer of funds from other Federal agencies

(1) In general

Subject to paragraph (2), for the purposes of this chapter, the Secretary may accept transfers of funds from other Federal agencies if the funds are used for the purposes for which (and in accordance with the terms under which) the funds are specifically authorized and appropriated.

(2) Use of funds

The transferred funds—

(A) shall remain available until expended; and

(B) may, to the extent necessary to carry out this chapter, be transferred to and merged by the Secretary with the appropriations for salaries and expenses.

(Pub. L. 89–136, title VI, § 604, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3614.)

PRIOR PROVISIONS

A prior section 3214, Pub. L. 89–136, title VII, § 704, Aug. 26, 1965, 79 Stat. 572; Pub. L. 94–487, title I, § 120, Oct. 12, 1976, 90 Stat. 2336, related to transfer of functions of Area Redevelopment Administration, prior to repeal by Pub. L. 105–393, § 102(b)(3).

A prior section 604 of Pub. L. 89–136 was classified to section 3204 of this title prior to repeal by Pub. L. 105–393, § 102(a).

§ 3215. Penalties

(a) False statements; security overvaluation

A person that makes any statement that the person knows to be false, or willfully overvalues any security, for the purpose of—

(1) obtaining for the person or for any applicant any financial assistance under this chapter or any extension of the assistance by renewal, deferment, or action, or by any other means, or the acceptance, release, or substitution of security for the assistance;

(2) influencing in any manner the action of the Secretary; or

(3) obtaining money, property, or any thing of value, under this chapter;

shall be fined under title 18, imprisoned not more than 5 years, or both.

(b) Embezzlement and fraud-related crimes

A person that is connected in any capacity with the Secretary in the administration of this chapter and that—

(1) embezzles, abstracts, purloins, or willfully misapplies any funds, securities, or other thing of value, that is pledged or otherwise entrusted to the person;

(2) with intent to defraud the Secretary or any other person or entity, or to deceive any officer, auditor, or examiner—

(A) makes any false entry in any book, report, or statement of or to the Secretary; or

(B) without being duly authorized, draws any order or issue, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof;

(3) with intent to defraud, participates or shares in or receives directly or indirectly any money, profit, property, or benefit through any transaction, loan, grant, commission, contract, or any other act of the Secretary; or

(4) gives any unauthorized information concerning any future action or plan of the Secretary that might affect the value of securities, or having such knowledge invests or speculates, directly or indirectly, in the securities

or property of any company or corporation receiving loans, grants, or other assistance from the Secretary;

shall be fined under title 18, imprisoned not more than 5 years, or both.

(Pub. L. 89–136, title VI, § 605, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3614.)

PRIOR PROVISIONS

A prior section 3215, Pub. L. 89–136, title VII, § 705, Aug. 26, 1965, 79 Stat. 573, related to separability of provisions, prior to repeal by Pub. L. 105–393, § 102(b)(3).

§ 3216. Employment of expediters and administrative employees

Assistance shall not be provided by the Secretary under this chapter to any business unless the owners, partners, or officers of the business—

(1) certify to the Secretary the names of any attorneys, agents, and other persons engaged by or on behalf of the business for the purpose of expediting applications made to the Secretary for assistance of any kind, under this chapter, and the fees paid or to be paid to the person for expediting the applications; and

(2) execute an agreement binding the business, for the 2-year period beginning on the date on which the assistance is provided by the Secretary to the business, to refrain from employing, offering any office or employment to, or retaining for professional services, any person who, on the date on which the assistance or any part of the assistance was provided, or within the 1-year period ending on that date—

(A) served as an officer, attorney, agent, or employee of the Department; and

(B) occupied a position or engaged in activities that the Secretary determines involved discretion with respect to the granting of assistance under this chapter.

(Pub. L. 89–136, title VI, § 606, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3615.)

PRIOR PROVISIONS

A prior section 3216, Pub. L. 89–136, title VII, § 706, Aug. 26, 1965, 79 Stat. 573, defined terms as used in this chapter, prior to repeal by Pub. L. 105–393, § 102(b)(3).

§ 3217. Maintenance and public inspection of list of approved applications for financial assistance

(a) In general

The Secretary shall—

(1) maintain as a permanent part of the records of the Department a list of applications approved for financial assistance under this chapter; and

(2) make the list available for public inspection during the regular business hours of the Department.

(b) Additions to list

The following information shall be added to the list maintained under subsection (a) of this section as soon as an application described in subsection (a)(1) of this section is approved:

(1) The name of the applicant and, in the case of a corporate application, the name of each officer and director of the corporation.

(2) The amount and duration of the financial assistance for which application is made.

(3) The purposes for which the proceeds of the financial assistance are to be used.

(Pub. L. 89–136, title VI, § 607, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3615.)

PRIOR PROVISIONS

A prior section 3217, Pub. L. 89–136, title VII, § 707, Aug. 26, 1965, 79 Stat. 573; Pub. L. 94–273, § 26, Apr. 21, 1976, 90 Stat. 380, required annual report to Congress on operations under this chapter, prior to repeal by Pub. L. 105–393, § 102(b)(3).

§ 3218. Records and audits

(a) Recordkeeping and disclosure requirements

Each recipient of assistance under this chapter shall keep such records as the Secretary shall require, including records that fully disclose—

(1) the amount and the disposition by the recipient of the proceeds of the assistance;

(2) the total cost of the project in connection with which the assistance is given or used;

(3) the amount and nature of the portion of the cost of the project provided by other sources; and

(4) such other records as will facilitate an effective audit.

(b) Access to books for examination and audit

The Secretary, the Inspector General of the Department, and the Comptroller General of the United States, or any duly authorized representative, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that relate to assistance received under this chapter.

(Pub. L. 89–136, title VI, § 608, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3616.)

PRIOR PROVISIONS

A prior section 3218, Pub. L. 89–136, title VII, § 708, Aug. 26, 1965, 79 Stat. 573, authorized delegation of functions and transfer of funds, prior to repeal by Pub. L. 105–393, § 102(b)(3).

§ 3219. Relationship to assistance under other law

Nothing in this chapter authorizes or permits any reduction in the amount of Federal assistance that any State or other entity eligible under this chapter is entitled to receive under any other Act.

(Pub. L. 89–136, title VI, § 609, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3616; amended Pub. L. 108–373, title VI, § 602, Oct. 27, 2004, 118 Stat. 1769.)

PRIOR PROVISIONS

A prior section 3219, Pub. L. 89–136, title VII, § 709, Aug. 26, 1965, 79 Stat. 574; Pub. L. 97–35, title XVIII, § 1821(a)(9), Aug. 13, 1981, 95 Stat. 766, authorized appropriations for which specific authority was not otherwise provided, prior to repeal by Pub. L. 105–393, § 102(b)(3).

AMENDMENTS

2004—Pub. L. 108–373 designated text of subsec. (b) as entire section and struck out subsec. (b) heading and heading and text of subsec. (a). Prior to amendment, text of subsec. (a) read as follows: ''Except as otherwise provided in this chapter, all financial and technical assistance authorized under this chapter shall be in addition to any Federal assistance authorized before the effective date of the Economic Development Administration Reform Act of 1998.''

§ 3220. Acceptance of certifications by applicants

Under terms and conditions determined by the Secretary, the Secretary may accept the certifications of an applicant for assistance under this chapter that the applicant meets the requirements of this chapter.

(Pub. L. 89–136, title VI, § 610, as added Pub. L. 105–393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3616.)

PRIOR PROVISIONS

A prior section 3220, Pub. L. 89–136, title VII, § 710, Aug. 26, 1965, 79 Stat. 574, set forth penalties for false statements, securities overvaluation, embezzlement, misapplication of funds, false book entries, schemes to defraud, and speculation, prior to repeal by Pub. L. 105–393, title I, § 102(b)(3), Nov. 13, 1998, 112 Stat. 3617.

§ 3221. Brownfields redevelopment report

(a) Definition of brownfield site

In this section, the term ''brownfield site'' has the meaning given the term in section 9601(39) of this title.

(b) Report

(1) In general

Not later than 1 year after October 27, 2004, the Comptroller General shall prepare a report that evaluates the grants made by the Economic Development Administration for the economic development of brownfield sites.

(2) Contents

The report shall—

(A) identify each project conducted during the previous 10-year period in which grant funds have been used for brownfield sites redevelopment activities; and

(B) include for each project a description of—

(i) the type of economic development activities conducted;

(ii) if remediation activities were conducted—

(I) the type of remediation activities; and

(II) the amount of grant money used for those activities in dollars and as a percentage of the total grant award;

(iii) the economic development and environmental standards applied, if applicable;

(iv) the economic development impact of the project;

(v) the role of Federal, State, or local environmental agencies, if any; and

(vi) public participation in the project.

(3) Submission of report

The Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of the report.

(Pub. L. 89–136, title VI, § 611, as added Pub. L. 108–373, title VI, § 603(a), Oct. 27, 2004, 118 Stat. 1769.)

PRIOR PROVISIONS

A prior section 3221, Pub. L. 89–136, title VII, § 711, Aug. 26, 1965, 79 Stat. 574, related to employment of expediters and administrative employees, prior to repeal by Pub. L. 105–393, title I, § 102(b)(3), Nov. 13, 1998, 112 Stat. 3617.

§ 3222. Savings clause

To the extent that any portion of grants made under this chapter are used for an economic development project that involves remediation, the remediation shall be conducted in compliance with all applicable Federal, State, and local laws and standards.

(Pub. L. 89–136, title VI, § 612, as added Pub. L. 108–373, title VI, § 604(a), Oct. 27, 2004, 118 Stat. 1770.)

PRIOR PROVISIONS

A prior section 3222, Pub. L. 89–136, title VII, § 712, Aug. 26, 1965, 79 Stat. 575; Pub. L. 93–567, title III, § 302, Dec. 31, 1974, 88 Stat. 1855, which related to labor standards and rate of wages, was renumbered section 602 of Pub. L. 89–136 by Pub. L. 105–393 and transferred to section 3212 of this title.

Prior sections 3223 to 3226 were repealed by Pub. L. 105–393, title I, § 102(b)(3), Nov. 13, 1998, 112 Stat. 3617.

Section 3223, Pub. L. 89–136, title VII, § 713, Aug. 26, 1965, 79 Stat. 575, required maintenance of records of approved applications and availability for public inspection.

Section 3224, Pub. L. 89–136, title VII, § 714, Aug. 26, 1965, 79 Stat. 575, related to recordkeeping and audits.

Section 3225, Pub. L. 89–136, title VII, § 715, Aug. 26, 1965, 79 Stat. 575, extended benefits to redevelopment areas under former section 2504 of this title.

Section 3226, Pub. L. 89–136, title VII, § 716, Aug. 26, 1965, 79 Stat. 576, prohibited statutory construction which could cause diminution in other Federal assistance.

SUBCHAPTER VII—FUNDING

§ 3231. General authorization of appropriations

(a) Economic development assistance programs

There are authorized to be appropriated for economic development assistance programs to carry out this chapter, to remain available until expended—

(1) $400,000,000 for fiscal year 2004;

(2) $425,000,000 for fiscal year 2005;

(3) $450,000,000 for fiscal year 2006;

(4) $475,000,000 for fiscal year 2007; and

(5) $500,000,000 for fiscal year 2008.

(b) Salaries and expenses

There are authorized to be appropriated for salaries and expenses of administering this chapter, to remain available until expended—

(1) $33,377,000 for fiscal year 2004; and

(2) such sums as are necessary for each fiscal year thereafter.

(Pub. L. 89–136, title VII, § 701, as added Pub. L. 105–393, title I, § 102(b)(3), Nov. 13, 1998, 112 Stat. 3617; amended Pub. L. 108–373, title VII, § 701, Oct. 27, 2004, 118 Stat. 1771.)

PRIOR PROVISIONS

A prior section 3231, Pub. L. 89–136, title VIII, § 801, as added Pub. L. 93–288, title V, § 501, May 22, 1974, 88 Stat. 160; amended Pub. L. 100–707, title I, § 109(r)(1), Nov. 23, 1988, 102 Stat. 4710, set forth congressional statement of purpose and defined ''major disaster'', prior to repeal by Pub. L. 105–393, § 102(c).

A prior section 701 of Pub. L. 89–136 was classified to section 3211 of this title prior to repeal by Pub. L. 105–393, § 102(b)(3).

AMENDMENTS

2004—Pub. L. 108–373 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: ''There are authorized to be appropriated to carry out this chapter $397,969,000 for fiscal year 1999, $368,000,000 for fiscal year 2000, $335,000,000 for fiscal year 2001, $335,000,000 for fiscal year 2002, and $335,000,000 for fiscal year 2003, to remain available until expended.''

§ 3232. Authorization of appropriations for defense conversion activities

(a) In general

In addition to amounts made available under section 3231 of this title, there are authorized to be appropriated such sums as are necessary to carry out section 3149(c)(1) of this title, to remain available until expended.

(b) Pilot projects

Funds made available under subsection (a) of this section may be used for activities including pilot projects for privatization of, and economic development activities for, closed or realigned military or Department of Energy installations.

(Pub. L. 89–136, title VII, § 702, as added Pub. L. 105–393, title I, § 102(b)(3), Nov. 13, 1998, 112 Stat. 3617.)

PRIOR PROVISIONS

A prior section 3232, Pub. L. 89–136, title VIII, § 802, as added Pub. L. 93–288, title V, § 501, May 22, 1974, 88 Stat. 160; amended Pub. L. 100–707, title I, § 109(r)(2), Nov. 23, 1988, 102 Stat. 4710, related to disaster recovery planning, prior to repeal by Pub. L. 105–393, § 102(c).

A prior section 702 of Pub. L. 89–136 was classified to section 3212 of this title prior to repeal by Pub. L. 105–393, § 102(b)(3).

§ 3233. Authorization of appropriations for disaster economic recovery activities

(a) In general

In addition to amounts made available under section 3231 of this title, there are authorized to be appropriated such sums as are necessary to carry out section 3149(c)(2) of this title, to remain available until expended.

(b) Federal share

The Federal share of the cost of activities funded with amounts made available under subsection (a) of this section shall be up to 100 percent.

(Pub. L. 89–136, title VII, § 703, as added Pub. L. 105–393, title I, § 102(b)(3), Nov. 13, 1998, 112 Stat. 3617.)

PRIOR PROVISIONS

A prior section 3233, Pub. L. 89–136, title VIII, § 803, as added Pub. L. 93–288, title V, § 501, May 22, 1974, 88 Stat. 161, authorized provision of funds for recovery investment plans, prior to repeal by Pub. L. 105–393, title I, § 102(c), Nov. 13, 1998, 112 Stat. 3617.

A prior section 703 of Pub. L. 89–136 was classified to section 3213 of this title prior to repeal by Pub. L. 105–393, § 102(b)(3).

§ 3234. Funding for grants for planning and grants for administrative expenses

Of the amounts made available under section 3231 of this title for each fiscal year, not less than $27,000,000 shall be made available for grants provided under section 3143 of this title.

(Pub. L. 89–136, title VII, § 704, as added Pub. L. 108–373, title VII, § 702(a), Oct. 27, 2004, 118 Stat. 1771.)

PRIOR PROVISIONS

Prior sections 3234 and 3235 were repealed by Pub. L. 105–393, title I, § 102(c), Nov. 13, 1998, 112 Stat. 3617.

Section 3234, Pub. L. 89–136, title VIII, § 804, as added Pub. L. 93–288, title V, § 501, May 22, 1974, 88 Stat. 162, authorized disaster area loan guarantees.

Section 3235, Pub. L. 89–136, title VIII, § 805, as added Pub. L. 93–288, title V, § 501, May 22, 1974, 88 Stat. 162, authorized provision of technical assistance for facilitation of economic recovery in disaster areas.

A prior section 3236, Pub. L. 89–136, title VIII, § 806, as added Pub. L. 93–288, title V, § 501, May 22, 1974, 88 Stat. 163, related to authorization of appropriations for subchapter, prior to repeal by Pub. L. 97–35, title XVIII, § 1821(a)(10), Aug. 13, 1981, 95 Stat. 766.

Prior sections 3241 to 3246c were repealed by Pub. L. 105–393, title I § 102(c), Nov. 13, 1998, 112 Stat. 3617.

Section 3241, Pub. L. 89–136, title IX, § 901, as added Pub. L. 93–423, § 12, Sept. 27, 1974, 88 Stat. 1164; amended Pub. L. 94–487, title I, § 121(a), Oct. 12, 1976, 90 Stat. 2336, stated purpose of former subchapter IX.

Section 3242, Pub. L. 89–136, title IX, § 902, as added Pub. L. 93–423, § 12, Sept. 27, 1974, 88 Stat. 1164, defined ''eligible recipient''.

Section 3243, Pub. L. 89–136, title IX, § 903, as added Pub. L. 93–423, § 12, Sept. 27, 1974, 88 Stat. 1164; amended Pub. L. 94–487, title I, § 121(b), (c), Oct. 12, 1976, 90 Stat. 2336, authorized grants to eligible recipients.

Section 3244, Pub. L. 89–136, title IX, § 904, as added Pub. L. 93–423, § 12, Sept. 27, 1974, 88 Stat. 1165; amended Pub. L. 96–470, title II, § 201(c), Oct. 19, 1980, 94 Stat. 2241, required annual reports by recipients and Secretary.

Section 3245, Pub. L. 89–136, title IX, § 905, as added Pub. L. 93–423, § 12, Sept. 27, 1974, 88 Stat. 1166; amended Pub. L. 94–487, title I, § 121(d), Oct. 12, 1976, 90 Stat. 2336; Pub. L. 96–506, § 1(10), Dec. 8, 1980, 94 Stat. 2746; Pub. L. 97–35, title XVIII, § 1821(a)(11), Aug. 13, 1981, 95 Stat. 766, authorized appropriations.

Section 3246, Pub. L. 89–136, title X, § 1001, as added Pub. L. 93–567, title III, § 301, Dec. 31, 1974, 88 Stat. 1853, stated the purpose of former subchapter X.

Section 3246a, Pub. L. 89–136, title X, § 1002, as added Pub. L. 93–567, title III, § 301, Dec. 31, 1974, 88 Stat. 1853; amended Pub. L. 94–487, title I, § 122, Oct. 12, 1976, 90 Stat. 2337, defined ''eligible area''.

Section 3246b, Pub. L. 89–136, title X, § 1003, as added Pub. L. 93–567, title III, § 301, Dec. 31, 1974, 88 Stat. 1853; amended Pub. L. 94–487, title I, § 123, Oct. 12, 1976, 90 Stat. 2337, authorized a job opportunities program.

Section 3246c, Pub. L. 89–136, title X, § 1004, as added Pub. L. 93–567, title III, § 301, Dec. 31, 1974, 88 Stat. 1854; amended Pub. L. 94–487, title I, § 124, Oct. 12, 1976, 90 Stat. 2337, related to program review.

A prior section 3246d, Pub. L. 89–136, title X, § 1005, as added Pub. L. 93–567, title III, § 301, Dec. 31, 1974, 88 Stat. 1855, related to the limitations on the use of funds appropriated pursuant to section 3246f of this title for programs and projects, prior to repeal by Pub. L. 94–487, title I, § 125, Oct. 12, 1976, 90 Stat. 2338.

Prior sections 3246e to 3246h were repealed by Pub. L. 105–393, title I, § 102(c), Nov. 13, 1998, 112 Stat. 3617.

Section 3246e, Pub. L. 89–136, title X, § 1005, formerly § 1006, as added Pub. L. 93–567, title III, § 301, Dec. 31, 1974, 88 Stat. 1855; renumbered § 1005 and amended Pub. L. 94–487, title I, §§ 125, 126, Oct. 12, 1976, 90 Stat. 2338, authorized the prescription of rules, regulations, and procedures.

Section 3246f, Pub. L. 89–136, title X, § 1006, formerly § 1007, as added Pub. L. 93–567, title III, § 301, Dec. 31, 1974, 88 Stat. 1855; renumbered § 1006 and amended Pub. L. 94–487, title I, §§ 125, 127, Oct. 12, 1976, 90 Stat. 2338, authorized appropriations.

Section 3246g, Pub. L. 89–136, title X, § 1007, formerly § 1008, as added Pub. L. 93–567, title III, § 301, Dec. 31, 1976, 88 Stat. 1855; renumbered § 1007 and amended Pub. L. 94–487, title I, §§ 125, 128, Oct. 12, 1976, 90 Stat. 2338; Pub. L. 96–506, § 1(11), Dec. 8, 1980, 94 Stat. 2746; Pub. L. 97–35, title XVIII, § 1821(a)(12), Aug. 13, 1981, 95 Stat. 766, provided that no further obligation of funds appropriated under former subchapter X could be made by the Secretary of Commerce after Sept. 30, 1981.

Section 3246h, Pub. L. 89–136, title X, § 1008, as added Pub. L. 94–487, title I, § 129, Oct. 12, 1976, 90 Stat. 2339, provided that a program or project was not ineligible for financial assistance solely because of increased construction costs.

CHAPTER 39—SOLID WASTE DISPOSAL

§§ 3251 to 3254f. Omitted

CODIFICATION

Sections 3251 to 3254f were omitted in the general amendment of the Solid Waste Disposal Act by Pub. L. 94–580, § 2, Oct. 21, 1976, 90 Stat. 2795.

Section 3251, Pub. L. 89–272, title II, § 202, Oct. 20, 1965, 79 Stat. 997; Pub. L. 91–512, title I, § 101, Oct. 26, 1970, 84 Stat. 1227, set out Congressional findings and declaration of purpose. See sections 6901 and 6902 of this title.

Section 3252, Pub. L. 89–272, title II, § 203, Oct. 20, 1965, 79 Stat. 998; Pub. L. 91–512, title I, § 102, Oct. 26, 1970, 84 Stat. 1228, defined terms. See section 6903 of this title.

Section 3253, Pub. L. 89–272, title II, § 204, Oct. 20, 1965, 79 Stat. 998; Pub. L. 91–512, title I, § 103, Oct. 26, 1970, 84 Stat. 1228, made provisions for research, demonstrations, training, and other activities relating to solid waste disposal. See section 6981 of this title.

Section 3253a, Pub. L. 89–272, title II, § 205, as added Pub. L. 91–512, title I, § 104(a), Oct. 26, 1970, 84 Stat. 1228, directed Secretary to study methods of recovering useful energy and materials. See section 6985 of this title.

Section 3254, Pub. L. 89–272, title II, § 206, formerly § 205, Oct. 20, 1965, 79 Stat. 999; renumbered § 206, Pub. L. 91–512, title I, § 104(a), Oct. 26, 1970, 84 Stat. 1228, directed Secretary to encourage interstate and interlocal cooperation. See section 6941 of this title.

Section 3254a, Pub. L. 89–272, title II, § 207, as added Pub. L. 91–512, title I, § 104(b), Oct. 26, 1970, 84 Stat. 1229, authorized Secretary to make grants for State, interstate, and local planning.

Section 3254b, Pub. L. 89–272, title II, § 208, as added Pub. L. 91–512, title I, § 104(b), Oct. 26, 1970, 84 Stat. 1230, authorized Secretary to make grants for resource recovery systems and improved solid waste disposal facilities. See section 6986 of this title.

Section 3254c, Pub. L. 89–272, title II, § 209, as added Pub. L. 91–512, title I, § 104(b), Oct. 26, 1970, 84 Stat. 1232, provided for recommendation of guidelines by the Secretary. See section 6907 of this title.

Section 3254d, Pub. L. 89–272, title II, § 210, as added Pub. L. 91–512, title I, § 104(b), Oct. 26, 1970, 84 Stat. 1232, authorized the Secretary to enter into contracts with and to make grants to eligible organizations. See section 6977 of this title.

Section 3254e, Pub. L. 89–272, title II, § 211, as added Pub. L. 91–512, title I, § 104(b), Oct. 26, 1970, 84 Stat. 1233, provided for applicability of solid waste disposal guidelines to Executive agencies. See section 6964 of this title.

Section 3254f, Pub. L. 89–272, title II, § 212, as added Pub. L. 91–512, title I, § 104(b), Oct. 26, 1970, 84 Stat. 1233, provided for a national disposal sites study for storage and disposal of hazardous wastes. See section 6921 et seq. of this title.

§ 3255. Repealed. Pub. L. 91–512, title I, § 104(a), Oct. 26, 1970, 84 Stat. 1228

Section, Pub. L. 89–272, title II, § 206, Oct. 20, 1965, 79 Stat. 999, authorized grants to State and interstate agencies for surveys of solid-waste disposal practices and problems, and for development of solid-waste disposal plans.

§§ 3256 to 3259. Omitted

CODIFICATION

Sections 3256 to 3259 were omitted in the general amendment of the Solid Waste Disposal Act by Pub. L. 94–580, § 2, Oct. 21, 1976, 90 Stat. 2795.

Section 3256, Pub. L. 89–272, title II, § 213, formerly § 207, Oct. 20, 1965, 79 Stat. 1000, renumbered Pub. L. 91–512, title I, § 104(b), Oct. 26, 1970, 84 Stat. 1229, set the labor standards for construction projects funded by grants under this chapter. See section 6979 of this title.

Section 3257, Pub. L. 89–272, title II, § 214, formerly § 208, Oct. 20, 1965, 79 Stat. 1000, renumbered Pub. L. 91–512, title I, § 104(b), Oct. 26, 1970, 84 Stat. 1229, prohibited a construction of this chapter which might supersede or limit the authorities and responsibilities of Federal officers under other provisions of law. See section 6905 of this title.

Section 3258, Pub. L. 89–272, title II, § 215, formerly § 209, Oct. 20, 1965, 79 Stat. 1001, renumbered and amended Pub. L. 91–512, title I, § 104(b), (c), Oct. 26, 1970, 84 Stat. 1229, 1233, 1234, provided for mode of payments and prohibited making of grants to profitmaking organizations. See section 6978 of this title.

Section 3259, Pub. L. 89–272, title II, § 216, formerly § 210, Oct. 20, 1965, 79 Stat. 1001, amended Pub. L. 90–574, title V, § 506, Oct. 15, 1968, 82 Stat. 1013, and renumbered and amended Pub. L. 91–512, title I, §§ 104(b), 105, Oct. 26, 1970, 84 Stat. 1229, 1234; Pub. L. 93–14, § 1, Apr. 9, 1973, 87 Stat. 11; Pub. L. 93–611, Jan. 2, 1975, 88 Stat. 1974, authorized appropriations. See section 6987 of this title.

CHAPTER 40—SOIL INFORMATION ASSISTANCE FOR COMMUNITY PLANNING AND RESOURCE DEVELOPMENT

Sec.
3271. Availability of soil surveys under soil survey program.
3272. Cooperative assistance to State and other public agencies; types of assistance; private engineering services.
3273. Contributions of State or other public agencies toward cost of soil surveys.
3274. Authorization of appropriations.

§ 3271. Availability of soil surveys under soil survey program

In recognition of the increasing need for soil surveys by the States and other public agencies in connection with community planning and resource development for protecting and improving the quality of the environment, meeting recreational needs, conserving land and water resources, providing for multiple uses of such resources, and controlling and reducing pollution from sediment and other pollutants in areas of rapidly changing uses, including farmlands being shifted to other uses, resulting from rapid expansions in the uses of land for industry, housing, transportation, recreation, and related services, it is the sense of Congress that the soil survey program of the United States Department of Agriculture should be conducted so as