

ment 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1453a of this title.

**CHAPTER 38—PUBLIC WORKS AND ECONOMIC DEVELOPMENT**

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### § 3121. Congressional findings and statement of purpose

The Congress declares that the maintenance of the national economy at a high level is vital to the best interests of the United States, but that some of our regions, counties, and communities are suffering substantial and persistent unemployment and underemployment; that such unemployment and underemployment cause hardship to many individuals and their families, and waste invaluable human resources; that to overcome this problem the Federal Government, in cooperation with the States, should help areas and regions of substantial and persistent unemployment and underemployment to take effective steps in planning and financing their public works and economic development; that Federal financial assistance, including grants for public

works and development facilities to communities, industries, enterprises, and individuals in areas needing development should enable such areas to help themselves achieve lasting improvement and enhance the domestic prosperity by the establishment of stable and diversified local economies and improved local conditions, provided that such assistance is preceded by and consistent with sound, long-range economic planning; and that under the provisions of this chapter new employment opportunities should be created by developing and expanding new and existing public works and other facilities and resources rather than by merely transferring jobs from one area of the United States to another. Congress further declares that, in furtherance of maintaining the national economy at a high level, the assistance authorized by this chapter should be made available to both rural and urban areas; that such assistance be available for planning for economic development prior to the actual occurrences of economic distress in order to avoid such condition; and that such assistance be used for long-term economic rehabilitation in areas where long-term economic deterioration has occurred or is taking place.

(Pub. L. 89-136, § 2, Aug. 26, 1965, 79 Stat. 552; Pub. L. 94-487, title I, § 102, Oct. 12, 1976, 90 Stat. 2331.)

#### AMENDMENTS

1976—Pub. L. 94-487 inserted provisions which authorized assistance be made available to rural and urban areas for preventive economic planning and for long-term economic rehabilitation.

#### 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 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 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 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

Section 1 of Pub. L. 89-136 provided: "That this Act [enacting this chapter and amending section 2211 of former Title 5, Executive Departments and Government Officers and Employees] may be cited as the 'Public Works and Economic Development Act of 1965'."

#### LOWER MISSISSIPPI DELTA DEVELOPMENT COMMISSION

Pub. L. 100-460, title II, Oct. 1, 1988, 102 Stat. 2246, incorporated by reference and made a part of that public law the provisions of H.R. 5378 and S. 2836, the Lower Mississippi Delta Development Act, as introduced in the House of Representatives on Sept. 26, 1988, and in the Senate on Sept. 27, 1988, known as the "Delta Development Act", 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.

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.

**§ 3122. Rural development**

**(a) Congressional commitment**

The Congress commits itself to a sound balance between rural and urban America. The Congress considers this balance so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

**(b) Location of Federal facilities**

Congress hereby directs the heads of all executive departments and agencies of the Government to establish and maintain departmental policies and procedures giving first priority to the location of new offices and other facilities in rural areas as defined in the private business enterprise exception in section 1926(a)(7) of title 7. (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.)

CODIFICATION

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

AMENDMENTS

1980—Subsec. (b). Pub. L. 96-355 struck out provisions respecting annual report to Congress by the President covering efforts, etc., made for locating all new facilities.

Subsec. (c). Pub. L. 96-355 struck out subsec. (c) which related to planning assistance and annual report to Congress respecting such assistance.

Subsec. (d). Pub. L. 96-355 struck out subsec. (d) which related to information and technical assistance and annual report to Congress respecting such assistance.

Subsec. (e). Pub. L. 96-355 struck out subsec. (e) which related to provision of government services and annual report to Congress respecting such services.

Subsec. (f). Pub. L. 96-355 struck out subsec. (f) which required report to Congress by July 1, 1971, relating to implementation of rural financial assistance requirements.

1976—Subsec. (b). Pub. L. 94-273 substituted “December” for “September”.

Subsec. (d). Pub. L. 94-273 substituted “December 1 of” for “September 1 of”.

1972—Subsec. (b). Pub. L. 92-419 struck out “insofar as practicable,” after “maintain” and substituted “poli-

cies and procedures giving first priority to the location of new offices and other facilities in rural areas as defined in the private business enterprise exception in section 1926(a)(7) of title 7”, for “policies and procedures with respect to the location of new offices and other facilities in areas or communities of lower population density in preference to areas or communities of high population densities”.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-355 effective Oct. 1, 1980, see section 10 of Pub. L. 96-355, set out as an Effective Date note under section 2204b of Title 7, Agriculture.

EXECUTIVE ORDER NO. 11797

Ex. Ord. No. 11797, July 31, 1974, 39 F.R. 27893, which delegated to the Secretary of Agriculture the President's authority to prepare and submit to Congress annual reports concerning the location of new Federal facilities in rural areas, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 1609.

**§ 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—GRANTS FOR PUBLIC WORKS AND DEVELOPMENT FACILITIES**

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 3153, 3214, 9815 of this title; title 40 App. sections 202, 211, 214.

**§ 3131. Direct and supplementary grants**

**(a) Acquisition or development of public works and development facilities; required findings precedent to making of direct grants; supplementary grants to provide matching share funds**

Upon the application of any State, or political subdivision thereof, Indian tribe, or private or public nonprofit organization or association representing any redevelopment area or part thereof, the Secretary of Commerce (hereinafter referred to as the Secretary) is authorized—

(1) to make direct grants for the acquisition or development of land and improvements for public works, public service, or development facility usage, and the acquisition, construc-

tion, rehabilitation, alteration, expansion, or improvement of such facilities, including related machinery and equipment, within a redevelopment area, if he finds that—

(A) the project for which financial assistance is sought will directly or indirectly (i) tend to improve the opportunities, in the area where such project is or will be located, for the successful establishment or expansion of industrial or commercial plants or facilities, (ii) otherwise assist in the creation of additional long-term employment opportunities for such area, or (iii) primarily benefit the long-term unemployed and members of low-income families or otherwise substantially further the objectives of the Economic Opportunity Act of 1964 [42 U.S.C. 2701 et seq.];

(B) the project for which a grant is requested will fulfill a pressing need of the area, or part thereof, in which it is, or will be, located;

(C) the area for which a project is to be undertaken has an approved overall economic development program as provided in section 3142(b)(10) of this title and such project is consistent with such program; and

(D) in the case of a redevelopment area so designated under section 3161(a)(6) of this title, the project to be taken will provide immediate useful work to unemployed and underemployed persons in that area;

(2) to make supplementary grants in order to enable the States and other entities within redevelopment areas to take maximum advantage of designated Federal grant-in-aid programs (as hereinafter defined), direct grants-in-aid authorized under this section, and Federal grant-in-aid programs authorized by the Watershed Protection and Flood Prevention Act (68 Stat. 666, as amended) [16 U.S.C. 1001 et seq.], and the eleven watersheds authorized by the Flood Control Act of December 22, 1944, as amended and supplemented (58 Stat. 887), for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share.

**(b) Maximum proportion of direct grant funds to total project cost**

Subject to subsection (c) hereof, the amount of any direct grant under this section for any project shall not exceed 50 per centum of the cost of such project.

**(c) Proportion of supplementary grant funds to total project cost; rules and regulations; maximum grants; required non-Federal share**

The amount of any supplementary grant under this section for any project shall not exceed the applicable percentage established by regulations promulgated by the Secretary, but in no event shall the non-Federal share of the aggregate cost of any such project (including assumptions of debt) be less than 20 per centum of such cost, except that in the case of a grant to an Indian tribe, the Secretary may reduce the non-Federal share below such per centum or may waive the non-Federal share. In the case of any State or political subdivision thereof which the Secretary determines has exhausted its effective

taxing and borrowing capacity, the Secretary shall reduce the non-Federal share below such per centum or shall waive the non-Federal share in the case of such a grant for a project in a redevelopment area designated as such under section 3161(a)(6) of this title. In case of any community development corporation which the Secretary determines has exhausted its effective borrowing capacity, the Secretary may reduce the non-Federal share below such per centum or waive the non-Federal share in the case of such a grant for a project in a redevelopment area designated as such under section 3161(a)(6) of this title. Supplementary grant shall be made by the Secretary, in accordance with such regulations as he shall prescribe, by increasing the amounts of direct grants authorized under this section or by the payment of funds appropriated under this chapter to the heads of the departments, agencies, and instrumentalities of the Federal Government responsible for the administration of the applicable Federal programs. Notwithstanding any requirement as to the amount or sources of non-Federal funds that may otherwise be applicable to the Federal program involved, funds provided under this subsection shall be used for the sole purpose of increasing the Federal contribution to specific projects in redevelopment areas under such programs above the fixed maximum portion of the cost of such project otherwise authorized by the applicable law. The term "designated Federal grant-in-aid programs," as used in this subsection, means such existing or future Federal grant-in-aid programs assisting in the construction or equipping of facilities as the Secretary may, in furtherance of the purposes of this chapter, designate as eligible for allocation of funds under this section. In determining the amount of any supplementary grant available to any project under this section, the Secretary shall take into consideration the relative needs of the area, the nature of the project to be assisted, and the amount of such fair user charges or other revenues as the project may reasonably be expected to generate in excess of those which would amortize the local share of initial costs and provide for its successful operation and maintenance (including depreciation).

**(d) Rules and regulations; consideration of unemployment and underemployment in determining rules**

The Secretary shall prescribe rules, regulations, and procedures to carry out this section which will assure that adequate consideration is given to the relative needs of eligible areas. In prescribing such rules, regulations, and procedures the Secretary shall consider among other relevant factors (1) the severity of the rates of unemployment in the eligible areas and the duration of such unemployment and (2) the income levels of families and the extent of underemployment in eligible areas.

**(e) Repealed. Pub. L. 94-487, title I, § 103(a), Oct. 12, 1976, 90 Stat. 2331**

**(f) Review and comment upon projects by local governmental authorities**

The Secretary shall prescribe regulations which will assure that appropriate local govern-

mental authorities have been given a reasonable opportunity to review and comment upon proposed projects under this section.

(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.)

#### REFERENCES IN TEXT

The Economic Opportunity Act of 1964, referred to in subsec. (a)(1)(A), is Pub. L. 88-452, Aug. 20, 1964, 78 Stat. 508, as amended, which was classified generally to chapter 34 (§2701 et seq.) of this title prior to repeal, except for titles VIII and X, by Pub. L. 97-35, title VI, §683(a), Aug. 13, 1981, 95 Stat. 519. Titles VIII and X of the Act are classified generally to subchapters VIII (§2991 et seq.) and X (§2996 et seq.) of chapter 34 of this title. For complete classification of this Act to the Code, see Tables.

The Watershed Protection and Flood Prevention Act, referred to in subsec. (a)(2), is act Aug. 4, 1954, ch. 656, 68 Stat. 666, as amended, which is classified generally to chapter 18 (§1001 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 16 and Tables.

The Flood Control Act of December 22, 1944, as amended and supplemented (58 Stat. 887), referred to in subsec. (a)(2), is act Dec. 22, 1944, ch. 665, 58 Stat. 887, as amended, which enacted sections 460d and 825s of Title 16, sections 701-1, 701a-1, 708, and 709 of Title 33, Navigation and Navigable Waters, and section 390 of Title 43, Public Lands, and enacted provisions set out as notes under sections 701c, 701f, and 701j of Title 33. For complete classification of this Act to the Code, see Tables.

#### AMENDMENTS

1976—Subsec. (c). Pub. L. 94-487, §103(b), (c), substituted “shall” for “may” in two places after “borrowing capacity, the Secretary” and “per centum or”, and inserted provision authorizing Secretary to reduce or waive the non-Federal share of community development corporation grants in certain instances.

Subsec. (e). Pub. L. 94-487, §103(a), struck out subsec. (e) which prohibited financial assistance to any public service or development facility which would compete with regulated utilities.

1971—Subsec. (a)(1)(D). Pub. L. 92-65, §102(a), added subpar. (D).

Subsec. (c). Pub. L. 92-65, §102(b), inserted provisions authorizing the Secretary to reduce the non-Federal share below the prescribed per centum or to waive the non-Federal share in the case of a supplementary grant for a project in a redevelopment area designated as such under section 3161(a)(6) of this title, when he determines that the State or the political subdivision thereof has exhausted its effective taxing and borrowing capacity.

1969—Subsec. (c). Pub. L. 91-123 authorized the Secretary to waive in whole or part the 20 per centum non-Federal share requirement for project grants to Indian tribes.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3161, 3171, 3220, 3221, 3222, 3223, 3338 of this title.

### § 3132. Grants for operation of health projects; amounts for first and second fiscal years of operation; efficient management practices of facilities as prerequisite

For each of the fiscal years ending June 30, 1975, June 30, 1976, September 30, 1977, September 30, 1978, September 30, 1979, September 30, 1980,

September 30, 1981, and September 30, 1982, not to exceed \$30,000,000 of the funds authorized to be appropriated under section 3135 of this title for each such fiscal year, and for the period beginning July 1, 1976, and ending September 30, 1976, not to exceed \$7,500,000 of the funds authorized to be appropriated under such section 3135 of this title for such period, shall be available for grants for operation of any health project funded under this subchapter after the date of enactment of this section. Such grants may be made up to 100 per centum of the estimated cost of the first fiscal year of operation, and up to 100 per centum of the deficit in funds available for operation of the facility during the second fiscal year of operation. No grant shall be made for the second fiscal year of operation of any facility unless the agency operating such facility has adopted a plan satisfactory to the Secretary of Health and Human Services, providing for the funding of operations on a permanent basis. Any grant under this section shall be made upon the condition that the operation of the facility will be conducted under efficient management practices designed to obviate operating deficits, as determined by the Secretary of Health and Human Services.

(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.)

#### REFERENCES IN TEXT

The date of enactment of this section, referred to in text, probably means the date of enactment of Pub. L. 93-423, which was approved Sept. 27, 1974.

#### AMENDMENTS

1980—Pub. L. 96-506 inserted provisions extending authorization for fiscal years ending Sept. 30, 1980, 1981, and 1982.

1976—Pub. L. 94-487 substituted “June 30, 1976, September 30, 1977, September 30, 1978, and September 30, 1979” for “and June 30, 1976”, and inserted “and for the period beginning July 1, 1976, and ending September 30, 1976, not to exceed \$7,500,000 of the funds authorized to be appropriated under such section 3135 of this title for such period” after “such fiscal year”.

1974—Pub. L. 93-423 substituted provisions relating to availability of grants for operation of health projects funded under this subchapter for provisions relating to grants to areas designated as areas of substantial unemployment, and review of eligibility of areas so designated.

#### CHANGE OF NAME

“Secretary of Health and Human Services” substituted in text for “Secretary of Health, Education, and Welfare” pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

### § 3133. Limitation of funds expended in any one State

Not more than 15 per centum of the appropriations made pursuant to this subchapter may be expended in any one State.

(Pub. L. 89-136, title I, §103, Aug. 26, 1965, 79 Stat. 554.)

**§ 3134. Repealed. Pub. L. 94-188, title I, § 123, Dec. 31, 1975, 89 Stat. 1086**

Section, 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.

**§ 3135. Authorization of appropriations**

There is hereby authorized to be appropriated to carry out this subchapter not to exceed \$500,000,000 for the fiscal year ending June 30, 1966, and for each fiscal year thereafter through the fiscal year ending June 30, 1971, and not to exceed \$800,000,000 per fiscal year for the fiscal years ending June 30, 1972, and June 30, 1973, and not to exceed \$200,000,000 for the fiscal year ending June 30, 1974, not to exceed \$200,000,000 for the fiscal year ending June 30, 1975, and not to exceed \$250,000,000 for the fiscal year ending June 30, 1976, not to exceed \$62,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, and not to exceed \$425,000,000 per fiscal year for the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, September 30, 1980, and September 30, 1981, and not to exceed \$150,000,000 for the fiscal year ending September 30, 1982. Any amounts authorized for the fiscal year ending June 30, 1972, under this section but not appropriated may be appropriated for the fiscal year ending June 30, 1973. Not less than 25 per centum nor more than 35 per centum of all appropriations made for the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974, and not less than 15 per centum nor more than 35 per centum of all appropriations made for the fiscal years ending June 30, 1975,<sup>1</sup> June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, under authority of the preceding sentences shall be expended in redevelopment areas designated as such under section 3161(a)(6) of this title.

(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.)

AMENDMENTS

1981—Pub. L. 97-35 substituted appropriation of \$150,000,000 for fiscal year ending Sept. 30, 1982, for appropriation of \$425,000,000 for such year.

1980—Pub. L. 96-506 inserted provisions extending authorization for fiscal years ending Sept. 30, 1980, 1981, and 1982, and provisions extending period limiting expenditures in redevelopment areas for fiscal years ending Sept. 30, 1980, 1981, and 1982.

1976—Pub. L. 94-487 inserted “not to exceed \$62,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, and not to exceed \$425,000,000 per fiscal year for the fiscal years ending September 30, 1977, September 30, 1978, and September 30, 1979” after “fiscal year ending June 30, 1976”, substituted “June 30, 1976,

the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal years ending September 30, 1977, September 30, 1978, and September 30, 1979” for “and June 30, 1976” after “fiscal years ending June 30, 1975”, and substituted “15 per centum” for “10 per centum” after “and not less than”.

1974—Pub. L. 93-423 inserted “not to exceed \$200,000,000 for the fiscal year ending June 30, 1975, and not to exceed \$250,000,000 for the fiscal year ending June 30, 1976,” after “for the fiscal year ending June 30, 1974,” and inserted “and not less than 10 per centum nor more than 35 per centum of all appropriations made for the fiscal years ending June 30, 1975 and June 30, 1976,” after “and June 30, 1974.”

1973—Pub. L. 93-46 authorized appropriations of not exceeding \$200,000,000 for fiscal year ending June 30, 1974, and made the percentage limitation applicable to fiscal year 1974 appropriation for expenditure in redevelopment areas designated under section 3161(a)(6) of this title.

1971—Pub. L. 92-65 authorized appropriations of not exceeding \$800,000,000 per fiscal year for the fiscal years ending June 30, 1972 and June 30, 1973, and further provided that amounts authorized for the fiscal year ending June 30, 1972 but not appropriated, may be appropriated for the fiscal year ending June 30, 1973, and that out of appropriations made for the fiscal years ending June 30, 1972 and June 30, 1973, not less than 25 percent and not more than 35 percent be spent in redevelopment areas designated under section 3161(a)(6) of this title.

1970—Pub. L. 91-304 extended authorization of appropriations from fiscal year ending June 30, 1970, to fiscal year ending June 30, 1971.

1969—Pub. L. 91-123 extended authorization of appropriations from fiscal year ending June 30, 1969, to fiscal year ending June 30, 1970.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3132 of this title.

**§ 3136. Sewer and other waste disposal facilities; certification by Administrator of Environmental Protection Agency regarding adequate treatment prior to discharge into streams**

No financial assistance, through grants, loans, guarantees, or otherwise, shall be made under this chapter to be used directly or indirectly for sewer or other waste disposal facilities unless the Administrator of the Environmental Protection Agency certifies to the Secretary that any waste material carried by such facilities will be adequately treated before it is discharged into any public waterway so as to meet applicable Federal, State, interstate, or local water quality standards.

(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.)

TRANSFER OF FUNCTIONS

“Administrator of the Environmental Protection Agency” was substituted for “Secretary of the Interior” pursuant to Reorg. Plan No. 3 of 1970 set out in the Appendix to Title 5, Government Organization and Employees, which abolished the Federal Water Quality Administration in the Department of the Interior and transferred to the Administrator of the Environmental Protection Agency all functions which had been transferred to the Secretary of the Interior from the Secretary of Health, Education, and Welfare by Reorg. Plan No. 2 of 1966.

Secretary of Health, Education, and Welfare was changed to Secretary of the Interior pursuant to sec-

<sup>1</sup> Comma editorially added.

tion 1(h)(3) of Reorg. Plan No. 2 of 1966, eff. May 10, 1966, 31 F.R. 6857, 80 Stat. 1608, set out in the Appendix to Title 5, Government Organization and Employees, which transferred to the Secretary of the Interior the functions of the Secretary of Health, Education, and Welfare under this section.

### § 3137. Construction cost increases

In any case where a grant (including a supplemental grant) has been made under this subchapter for a project and after such grant has been made but before completion of the project, the cost of such project based upon the designs and specifications which were the basis of the grant has been increased because of increases in costs, the amount of such grant may be increased by an amount equal to the percentage increase, as determined by the Secretary, in such costs, but in no event shall be<sup>1</sup> percentage of the Federal share of such project exceed that originally provided for in such grant.

(Pub. L. 89-136, title I, §107, as added Pub. L. 94-487, title I, §106, Oct. 12, 1976, 90 Stat. 2332.)

## SUBCHAPTER II—LOANS, LOAN GUARANTEES, AND ECONOMIC DEVELOPMENT REVOLVING FUND

### SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 3153, 3214, 9815 of this title.

### § 3141. Public works and development facility loans

#### (a) Required findings precedent

Upon the application of any State, or political subdivision thereof, Indian tribe, or private or public nonprofit organization or association representing any redevelopment area or part thereof, the Secretary is authorized to purchase evidence of indebtedness and to make loans to assist in financing the purchase or development of land and improvements for public works, public service, or development facility usage, including public works, public service, and development facility usage, to be provided by agencies of the Federal Government pursuant to legislation requiring that non-Federal entities bear some part of the cost thereof, and the acquisition, construction, rehabilitation, alteration, expansion, or improvement of such facilities, including related machinery and equipment, within a redevelopment area, if he finds that—

(1) the project for which financial assistance is sought will directly or indirectly—

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

(B) otherwise assist in the creation of additional long-term employment opportunities for such area, or

(C) primarily benefit the long-term unemployed and members of low-income families or otherwise substantially further the objectives of the Economic Opportunity Act of 1964 [42 U.S.C. 2701 et seq.];

(2) the funds requested for such project are not otherwise available from private lenders

or from other Federal agencies on terms which in the opinion of the Secretary will permit the accomplishment of the project;

(3) the amount of the loan plus the amount of other available funds for such project are adequate to insure the completion thereof;

(4) there is a reasonable expectation of repayment; and

(5) such area has an approved overall economic development program as provided in section 3142(b)(10) of this title and the project for which financial assistance is sought is consistent with such program.

#### (b) Loan terms; interest rates

Subject to section 3211(5) of this title, no loan, including renewals or extensions thereof, shall be made under this section for a period exceeding forty years, and no evidence of indebtedness maturing more than forty years from the date of purchase shall be purchased under this section. Such loans shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, less not to exceed one-half of 1 per centum per annum.

#### (c) Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section and section 3142 of this title, except that annual appropriations for the purpose of purchasing evidences of indebtedness, paying interest supplement to or on behalf of private entities making and participating in loans, and guaranteeing loans, shall not exceed \$170,000,000 for the fiscal year ending June 30, 1966, and for each fiscal year thereafter through the fiscal year ending June 30, 1973, and shall not exceed \$55,000,000 for the fiscal year ending June 30, 1974, and shall not exceed \$75,000,000 for the fiscal years ending June 30, 1975, and June 30, 1976, and shall not exceed \$18,750,000 for the period beginning July 1, 1976, and ending September 30, 1976, and shall not exceed \$200,000,000 per fiscal year for the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, September 30, 1980, and September 30, 1981, and not to exceed \$46,500,000 for the fiscal year ending September 30, 1982.

(d) Repealed. Pub. L. 94-487, title I, § 107(b), Oct. 12, 1976, 90 Stat. 2332

#### (e) Rules and regulations

The Secretary shall prescribe regulations which will assure that appropriate local governmental authorities have been given a reasonable opportunity to review and comment upon proposed projects under this section.

(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.)

<sup>1</sup> So in original. Probably should be "the".

## REFERENCES IN TEXT

The Economic Opportunity Act of 1964, referred to in subsec. (a)(1)(C), is Pub. L. 88-452, Aug. 20, 1964, 78 Stat. 508, as amended, which was classified generally to chapter 34 (§2701 et seq.) of this title prior to repeal, except for titles VIII and X, by Pub. L. 97-35, title VI, §683(a), Aug. 13, 1981, 95 Stat. 519. Titles VIII and X of the Act are classified generally to subchapters VIII (§2991 et seq.) and X (§2996 et seq.) of chapter 34 of this title. For complete classification of this Act to the Code, see Tables.

## AMENDMENTS

1981—Subsec. (c). Pub. L. 97-35 substituted appropriation of \$46,500,000 for fiscal year ending Sept. 30, 1982, for appropriation of \$200,000,000, for such year.

1980—Subsec. (c). Pub. L. 96-506 inserted provisions extending limitation of \$200,000,000 per fiscal year for fiscal years ending Sept. 30, 1980, 1981, and 1982.

1976—Subsec. (c). Pub. L. 94-487, §107(a), provided for paying of interest supplement to or on behalf of private entities making, participating in, and guaranteeing loans, and authorized appropriations for interim period July 1, 1976, to Sept. 30, 1976, and for fiscal years ending Sept. 30, 1977, 1978, and 1979.

Subsec. (d). Pub. L. 94-487, §107(b), struck out subsec. (d) which prohibited financial assistance to any public service or development facility which would compete with regulated public utilities.

1974—Subsec. (c). Pub. L. 93-423 inserted “, and shall not exceed \$75,000,000 per fiscal year for the fiscal years ending June 30, 1975, and June 30, 1976” after “year ending June 30, 1974”.

1973—Subsec. (c). Pub. L. 93-46 authorized appropriation of \$55,000,000 for fiscal year ending June 30, 1974, for purchase of evidences of indebtedness.

1971—Subsec. (c). Pub. L. 92-65 substituted “June 30, 1973” for “June 30, 1971”.

1970—Subsec. (c). Pub. L. 91-304 extended limitations on authorization of appropriations from fiscal year ending June 30, 1970 to fiscal year ending June 30, 1971.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3142, 3143, 3171, 3211, 3220, 3221, 3222, 3223 of this title; title 15 section 636.

**§ 3142. Business loans and loan guarantees****(a) Permissible guarantees; guarantee maximums**

(1) The Secretary is authorized to aid in financing, within a redevelopment area, the purchase or development of land and facilities (including machinery and equipment) for industrial or commercial usage, including the construction of new buildings, the rehabilitation of abandoned or unoccupied buildings, and the alteration, conversion, or enlargement of existing buildings by (A) purchasing evidences of indebtedness, (B) making loans (which for purposes of this section shall include participation in loans), (C) guaranteeing loans made to private borrowers by private lending institutions, for any of the purposes referred to in this paragraph upon application of such institution and upon such terms and conditions as the Secretary may prescribe, except that no such guarantee shall at any time exceed 90 per centum of the amount of the outstanding unpaid balance of such loan.

(2) In addition to any other financial assistance under this subchapter, the Secretary is authorized, in the case of any loan guarantee under authority of paragraph (1) of this section, to pay to or on behalf of the private borrower an amount sufficient to reduce up to 4 percentage points the interest paid by such borrower on

such guaranteed loans. No payment under this paragraph shall result in the interest rate being paid by a borrower on such a guaranteed loan being less than the rate of interest for such a loan if it were made under section 3141 of this title. Payments made to or on behalf of such borrower shall be made no less often than annually.

(3) The Secretary is authorized to aid in financing any industrial or commercial activity within a redevelopment area by (A) making working capital loans, (B) guaranteeing working capital loans made to private borrowers by private lending institutions upon application of such institution and upon such terms and conditions as the Secretary may prescribe, except that no such guarantee shall at any time exceed 90 per centum of the amount of the outstanding unpaid balance of such loan, (C) guaranteeing rental payments of leases for buildings and equipment, except that no such guarantee shall exceed 90 per centum of the remaining rental payments required by the lease. (D) paying those debts with respect to which a lien against property has been legally obtained (including the refinancing of any such debt) in any case where the Secretary determines that it is essential to do so in order to save employment in a designated area, to avoid a significant rise in unemployment, or to create new or increased employment.

**(b) Terms and conditions**

Financial assistance under this section shall be on such terms and conditions as the Secretary determines, subject, however, to the following restrictions and limitations:

(1) Such financial assistance shall not be extended to assist establishments relocating from one area to another or to assist subcontractors whose purpose is to divest, or whose economic success is dependent upon divesting, other contractors or subcontractors of contracts theretofore customarily performed by them: *Provided, however,* That such limitation shall not be construed to prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary finds that the establishment of such branch, affiliate, or subsidiary will not result in an increase in unemployment of the area of original location or in any other area where such entity conducts business operations, unless the Secretary has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(2) Such assistance shall be extended only to applicants, both private and public (including Indian tribes), which have been approved for such assistance by an agency or instrumentality of the State or political subdivision thereof in which the project to be financed is located, and which agency or instrumentality is directly concerned with problems of economic development in such State or subdivision.

(3) The project for which financial assistance is sought must be reasonably calculated to

provide more than a temporary alleviation of unemployment or underemployment within the redevelopment area wherein it is or will be located.

(4) No loan or guarantee shall be extended hereunder unless the financial assistance applied for is not otherwise available from private lenders or from other Federal agencies on terms which in the opinion of the Secretary will permit the accomplishment of the project.

(5) The Secretary shall not make any loan without a participation unless he determines that the loan cannot be made on a participation basis.

(6) No evidences of indebtedness shall be purchased and no loans shall be made or guaranteed unless it is determined that there is reasonable assurance of repayment.

(7) Subject to section 3211(5) of this title, no loan or guarantee, including renewals or extension thereof, may be made hereunder for a period exceeding twenty-five years and no evidences of indebtedness maturing more than twenty-five years from date of purchase may be purchased hereunder: *Provided*, That the foregoing restrictions on maturities shall not apply to securities or obligations received by the Secretary as a claimant in bankruptcy or equitable reorganization or as a creditor in other proceedings attendant upon insolvency of the obligor.

(8) Loans made and evidences of indebtedness purchased under this section shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, plus additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose.

(9) Loan assistance (other than for a working capital loan) shall not exceed 65 per centum of the aggregate cost to the applicant (excluding all other Federal aid in connection with the undertaking) of acquiring or developing land and facilities (including machinery and equipment), and of constructing, altering, converting, rehabilitating, or enlarging the building or buildings of the particular project, and shall, among others, be on the condition that—

(A) other funds are available in an amount which, together with the assistance provided hereunder, shall be sufficient to pay such aggregate cost;

(B) not less than 15 per centum of such aggregate cost be supplied as equity capital or as a loan repayable in no shorter period of time and at no faster an amortization rate than the Federal financial assistance extended under this section is being repaid, and if such a loan is secured, its security shall be subordinate and inferior to the lien or liens securing such Federal financial assistance: *Provided, however*, That, except in projects involving financial participation by Indian tribes, not less than 5 per centum of

such aggregate cost shall be supplied by the State or any agency, instrumentality, or political subdivision thereof, or by a community or area organization which is non-governmental in character, unless the Secretary shall determine in accordance with objective standards promulgated by regulation that all or part of such funds are not reasonably available to the project because of the economic distress of the area or for other good cause, in which case he may waive the requirement of this provision to the extent of such unavailability, and allow the funds required by this subsection to be supplied by the applicant or by such other non-Federal source as may reasonably be available to the project;

(C) to the extent the Secretary finds such action necessary to encourage financial participation in a particular project by other lenders and investors, and except as otherwise provided in subparagraph (B), any Federal financial assistance extended under this section may be repayable only after other loans made in connection with such project have been repaid in full, and the security, if any, for such Federal financial assistance may be subordinate and inferior to the lien or liens securing other loans made in connection with the same project.

(10) No such assistance shall be extended unless there shall be submitted to and approved by the Secretary an overall program for the economic development of the area and a finding by the State, or any agency, instrumentality, or local political subdivision thereof, that the project for which financial assistance is sought is consistent with such program: *Provided*, That nothing in this chapter shall authorize financial assistance for any project prohibited by laws of the State or local political subdivision in which the project would be located, nor prevent the Secretary from requiring such periodic revisions of previously approved overall economic development programs as he may deem appropriate.

(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.)

#### AMENDMENTS

1976—Subsec. (a)(2). Pub. L. 94-487, §107(c), (d), added par. (2), redesignated former par. (2) as (3).

Subsec. (a)(3). Pub. L. 94-487, §§107(d), 108, redesignated former par. (2) as (3) and, as redesignated, added subpar. (D).

1974—Subsec. (a). Pub. L. 93-423, §4(b)(1), designated existing provisions as par. (1) and added par. (2).

Subsec. (b)(7). Pub. L. 93-423, §4(b)(2), inserted “or guarantee” after “no loan”.

Subsec. (b)(9). Pub. L. 93-423, §4(b)(3), inserted “(other than for a working capital loan)” after “Loan assistance”.

#### LOANS FOR MODIFICATIONS OF MINING FACILITIES AND EQUIPMENT

Loans for alteration of equipment or facilities of coal mines pursuant to terms and conditions of this section, see section 504(d) of Pub. L. 91-173, set out as a note under section 636 of Title 15, Commerce and Trade.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3131, 3141, 3142-1, 3143, 3161, 3162, 3171, 3211, 3220, 3221, 3222, 3223, 9815 of this title.

**§ 3142-1. Loans for additions or alterations to equipment, facilities, or operating methods for compliance of small business concern with applicable occupational safety and health standards**

Loans may also be made or guaranteed for the purposes set forth in section 636(b)(5)<sup>1</sup> of title 15, pursuant to the provisions of section 3142 of this title.

(Pub. L. 91-596, §28(d), Dec. 29, 1970, 84 Stat. 1618; Pub. L. 93-237, §2(c), Jan. 2, 1974, 87 Stat. 1024.)

## REFERENCES IN TEXT

Section 636(b)(5) of title 15, referred to in text, was repealed and similar provisions were enacted as section 636(b)(3) of title 15 by Pub. L. 97-35, title XIX, §1913(a), Aug. 13, 1981, 95 Stat. 780. Section 636(b)(3) of title 15 was later repealed by Pub. L. 99-272, title XVIII, §18006(a)(1), Apr. 7, 1986, 100 Stat. 366.

## CODIFICATION

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

## AMENDMENTS

1974—Pub. L. 93-237 substituted “section 636(b)(5)” for “section 636(b)(6)”.

## EFFECTIVE DATE

Section effective 120 days after Dec. 29, 1970, see section 34 of Pub. L. 91-596, set out as a note under section 651 of Title 29, Labor.

**§ 3142a. Rivers and harbors and other waterways projects for benefit of navigation, flood control, hurricane protection, beach erosion control, and other purposes**

**(a) Congressional declaration of policy; purchase of indebtedness and loans to local interests to meet contribution requirements**

In the prosecution of projects for rivers and harbors and other waterways for the benefit of navigation, the control of destructive flood waters, hurricane protection, beach erosion control, and for other purposes, authorized to be prosecuted under the direction of the Secretary of the Army under the supervision of the Chief of Engineers in accordance with plans adopted and authorized by the Congress, it is hereby declared to be the policy of the Congress, that whenever such projects are located wholly or partially within an area which is eligible for financial assistance under the Public Works and Economic Development Act of 1965 [42 U.S.C. 3121 et seq.], the Secretary of Commerce is authorized to purchase evidences of indebtedness and to make loans for a period not exceeding fifty years to enable responsible local interests to meet the requirements of local cooperation pertaining to contributions toward the cost of construction of such projects within such areas.

**(b) Authorization of appropriations**

There is hereby authorized to be appropriated to carry out this section, not to exceed

\$10,000,000 per fiscal year for the fiscal year ending June 30, 1966, and for each fiscal year thereafter through and including the fiscal year ending June 30, 1970.

(Pub. L. 89-298, title II, §217, Oct. 27, 1965, 79 Stat. 1088.)

## REFERENCES IN TEXT

The Public Works and Economic Development Act of 1965, referred to in subsec. (a), 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.

**§ 3143. Economic Development Revolving Fund**

Funds obtained by the Secretary under section 3141 of this title, loan funds obtained under section 3171 of this title, and collections and repayments received under this chapter, shall be deposited in an economic development revolving fund (hereinafter referred to as the “fund”), which is hereby established in the Treasury of the United States, and which shall be available to the Secretary for the purpose of extending financial assistance under sections 3141, 3142, and 3171 of this title, and for the payment of all obligations and expenditures arising in connection therewith. There shall also be credited to the fund such funds as have been paid into the area redevelopment fund or may be received from obligations outstanding under the Area Redevelopment Act [42 U.S.C. 2501 et seq.]. The fund shall pay into miscellaneous receipts of the Treasury, following the close of each fiscal year, interest on the amount of loans outstanding under this chapter computed in such manner and at such rate as may be determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, during the month of September preceding the fiscal year in which the loans were made.

(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.)

## REFERENCES IN TEXT

The Area Redevelopment Act, referred to in text, is Pub. L. 87-27, May 1, 1961, 75 Stat. 47, which was classified principally to former chapter 28 (§2501 et seq.) of this title, and was omitted from the Code, with the exception of sections 2513 and 2514 of this title, which were repealed by Pub. L. 89-15, §9(b), Apr. 26, 1965, 79 Stat. 79. See sections 3161 and 3162 of this title.

## AMENDMENTS

1976—Pub. L. 94-273 substituted “September” for “June”.

**§ 3144. Redevelopment area loan program**

**(a) Approval of plans; interest free loans; repayment**

If a redevelopment area prepares a plan for the redevelopment of the area or a part thereof and

<sup>1</sup> See References in Text note below.

submits such plan to the Secretary for his approval and the Secretary approves such plan, the Secretary is authorized to make an interest free loan to such area for the purpose of carrying out such plan. Such plan may include industrial land assembly, land banking, acquisition of surplus government property, acquisition of industrial sites including acquisition of abandoned properties with redevelopment potential, real estate development including redevelopment and rehabilitation of historical buildings for industrial and commercial use, rehabilitation and renovation of usable empty factory buildings for industrial and commercial use, and other investments which will accelerate recycling of land and facilities for job creating economic activity. Any such interest free loan shall be made on condition (1) that the area will use such interest free loan to make loans to carry out such plan, (2) the repayment of any loans made by the area from such interest free loan shall be placed by such area in a revolving fund available solely for the making of other loans by the area, upon approval by the Secretary, for the economic redevelopment of the area. Any such interest free loans shall be repaid to the United States by a redevelopment area whenever such area has its designation as a redevelopment area terminated or modified under section 3162 of this title. This section shall not apply to any redevelopment area whose designation as a redevelopment area would be terminated or modified under section 3162 of this title except for the provisions of section 2 of the Act entitled "An Act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971", approved July 6, 1970 (P.L. 91-304).

**(b) Reports**

(1) Each eligible recipient which receives assistance under this section shall annually during the period such assistance continues make a full and complete report to the Secretary, in such manner as the Secretary shall prescribe, and such report shall contain an evaluation of the effectiveness of the economic assistance provided under this section in meeting the need it was designed to alleviate and the purposes of this section.

(2) The Secretary shall include in the annual report pursuant to section 3217 of this title a consolidated report with his recommendations, if any, on the assistance authorized under this section, in a form which he deems appropriate.

**(c) Authorization of appropriations**

There is authorized to be appropriated to carry out this section not to exceed \$125,000,000 per fiscal year for the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, September 30, 1980, and September 30, 1981.

(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.)

REFERENCES IN TEXT

Section 2 of the Act entitled "An Act to amend the Public Works and Economic Development Act of 1965 to

extend the authorizations for titles I through IV through fiscal year 1971", approved July 6, 1970 (P.L. 91-304), referred to in subsec. (a), is section 2 of Pub. L. 91-304, July 6, 1970, 84 Stat. 375, as amended, which is set out as a note under section 3162 of this title.

AMENDMENTS

1981—Subsec. (c). Pub. L. 97-35 struck out appropriation for fiscal year ending Sept. 30, 1982.

1980—Subsec. (b)(2). Pub. L. 96-470 substituted "The Secretary shall include in the annual report pursuant to section 3217 of this title a consolidated report" for "The Secretary shall provide an annual consolidated report to the Congress," and struck out provision that the first such report to Congress under this subsection be made not later than July 1, 1977.

Subsec. (c). Pub. L. 96-506 inserted provisions extending authorization for fiscal years ending Sept. 30, 1980, 1981, and 1982.

SUBCHAPTER III—TECHNICAL ASSISTANCE, RESEARCH, AND INFORMATION

§ 3151. Technical assistance

**(a) Use of Secretary's staff members; contracts; grants; repayment**

In carrying out his duties under this chapter the Secretary is authorized to provide technical assistance which would be useful in alleviating or preventing conditions of excessive unemployment or underemployment (1) to areas which he has designated as redevelopment areas under this chapter, and (2) to other areas which he finds have substantial need for such assistance. Such assistance shall include project planning and feasibility studies, management and operational assistance, and studies evaluating the needs of, and developing potentialities for, economic growth of such areas. Such assistance may be provided by the Secretary through members of his staff, through the payment of funds authorized for this section to other departments or agencies of the Federal Government, through the employment of private individuals, partnerships, firms, corporations, or suitable institutions, under contracts entered into for such purposes, or through grants-in-aid to appropriate public or private nonprofit State, area, district, or local organizations. The Secretary, in his discretion, may require the repayment of assistance provided under this subsection and prescribe the terms and conditions of such repayment.

**(b) Grants covering administrative expenses; use of funds in conjunction with other grants**

The Secretary is authorized to make grants to defray not to exceed 75 per centum of the administrative expenses of organizations which he determines to be qualified to receive grants-in-aid under subsection (a) hereof, except that in the case of a grant under this subsection to an Indian tribe the Secretary is authorized to defray up to 100 per centum of such expenses. In determining the amount of the non-Federal share of such costs or expenses, the Secretary shall give due consideration to all contributions both in cash and in kind, fairly evaluated, including but not limited to space, equipment, and services. Where practicable, grants-in-aid authorized under this subsection shall be used in conjunction with other available planning grants, such as urban planning grants authorized under the

Housing Act of 1954, as amended, and highway planning and research grants authorized under the Federal Aid Highway Act of 1962, to assure adequate and effective planning and economical use of funds.

**(c) Research in causes of chronic depression; availability of resulting data; annual report**

To assist in the long-range accomplishment of the purposes of this chapter, the Secretary, in cooperation with other agencies having similar functions, shall establish and conduct a continuing program of study, training, and research to (A) assist in determining the causes of unemployment, underemployment, underdevelopment, and chronic depression in the various areas and regions of the Nation, (B) assist in the formulation and implementation of national, State, and local programs which will raise income levels and otherwise produce solutions to the problems resulting from these conditions, and (C) assist in providing the personnel needed to conduct such programs. The program of study, training, and research may be conducted by the Secretary through members of this staff, through payment of funds authorized for this section to other departments or agencies of the Federal Government, or through the employment of private individuals, partnerships, firms, corporations, or suitable institutions, under contracts entered into for such purposes, or through grants to such individuals, organizations, or institutions, or through conferences and similar meetings organized for such purposes. The Secretary shall make available to interested individuals and organizations the results of such research. The Secretary shall include in his annual report under section 3217 of this title a detailed statement concerning the study and research conducted under this section together with his findings resulting therefrom and his recommendations for legislative and other action.

**(d) Availability of technical information in redevelopment areas; Federal procurement in redevelopment areas**

The Secretary shall aid redevelopment areas and other areas by furnishing to interested individuals, communities, industries, and enterprises within such areas any assistance, technical information, market research, or other forms of assistance, information, or advice which would be useful in alleviating or preventing conditions of excessive unemployment or underemployment within such areas. The Secretary may furnish the procurement divisions of the various departments, agencies, and other instrumentalities of the Federal Government with a list containing the names and addresses of business firms which are located in redevelopment areas and which are desirous of obtaining Government contracts for the furnishing of supplies or services, and designating the supplies and services such firms are engaged in providing.

**(e) Independent study board; membership; findings and report to Congress**

The Secretary shall establish an independent study board consisting of governmental and nongovernmental experts to investigate the ef-

fects of Government procurement, scientific, technical, and other related policies, upon regional economic development. Any Federal officer or employee may, with the consent of the head of the department or agency in which he is employed, serve as a member of such board, but shall receive no additional compensation for such service. Other members of such board may be compensated in accordance with the provisions of section 3211(10) of this title. The board shall report its findings, together with recommendations for the better coordination of such policies, to the Secretary, who shall transmit the report to the Congress not later than two years after August 26, 1965.

**(f) Grants and contracts for demonstration projects within regional development areas; purposes**

The Secretary is authorized to make grants, enter into contracts or otherwise provide funds for any demonstration project within a redevelopment area or areas which he determines is designed to foster regional productivity and growth, prevent outmigration, and otherwise carry out the purposes of this chapter.

(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.)

REFERENCES IN TEXT

The Housing Act of 1954, as amended, referred to in subsec. (b), is act Aug. 2, 1954, ch. 649, 68 Stat. 590, as amended. For complete classification of this Act to the Code, see Short Title of 1954 Amendment note set out under section 1701 of Title 12, Banks and Banking, and Tables.

The Federal Aid Highway Act of 1962, referred to in subsec. (b), is Pub. L. 87-866, Oct. 23, 1962, 76 Stat. 1145, which enacted sections 133, 134, and 214 of Title 23, Highways, and amended sections 101, 103, 104, 203, and 307 of Title 23, and enacted provisions set out as notes under sections 101, 103, 104, and 307 of Title 23. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Title 23 and Tables.

AMENDMENTS

1973—Subsec. (b). Pub. L. 93-46 provided for payment up to 100 per centum of administrative expenses of Indian tribes.

1969—Subsec. (f). Pub. L. 91-123 added subsec. (f).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3151a, 3152, 3153, 3211 of this title.

**§ 3151a. Economic development planning**

**(a) Direct grants to State, city, etc.; amount; purpose; procedure; goals; annual report**

The Secretary is authorized, upon application of any State, or city, or other political subdivision of a State, or sub-State planning and development organization (including a redevelopment area or an economic development district), to make direct grants to such State, city, other political subdivision, or organization to pay up to 80 per centum of the cost for economic development planning. The planning for cities, other political subdivisions, and sub-State planning and development organizations (including redevelopment areas and economic development dis-

tricts) assisted under this section shall include systematic efforts to reduce unemployment and increase incomes. Such planning shall be a continuous process involving public officials and private citizens in analyzing local economies, defining development goals, determining project opportunities, and formulating and implementing a development program. Any overall State economic development plan prepared with assistance under this section shall be prepared cooperatively by the State, its political subdivisions, and the economic development districts located in whole or in part within such State. Upon completion of any such plan, the State shall certify to the Secretary (1) that in the preparation of such State plan, the local and economic development district plans were considered and, to the fullest extent possible, such State plan is consistent with such local and economic development district plans, and (2) that such State plan is consistent with such local and economic development district plans, or, if such State plan is not consistent with such local and economic development district plans, all of the inconsistencies of the State plan with the local and economic development district plans, and the justification for each of these inconsistencies. Any overall State economic development planning shall be a part of a comprehensive planning process that shall consider the provisions of public works to stimulate and channel development, economic opportunities and choices for individuals; to support sound land use, to enhance and protect the environment including the conservation and preservation of open spaces and environmental quality, to provide public services, and to balance physical and human resources through the management and control of physical development. The assistance available under this section may be provided in addition to assistance available under section 3151(b) of this title but shall not supplant such assistance and shall be available to develop an annual inventory of specific recommendations for assistance under section 3153 of this title. Each State receiving assistance under this subsection shall submit to the Secretary an annual report on the planning process assisted under this subsection.

**(b) Additional assistance to economic development districts**

In addition, the Secretary is authorized to assist economic development districts in—

- (1) providing technical assistance (other than by grant) to local governments within the district; and
- (2) carrying out any review procedure required pursuant to section 6506 of title 31, if such district has been designated as the agency to conduct such review.

**(c) Compliance with review procedure**

The planning assistance authorized under this subchapter shall be used in accordance with the review procedure required pursuant to section 6506 of title 31 and shall be used in conjunction with any other available Federal planning assistance to assure adequate and effective planning and economical use of funds.

(Pub. L. 89-136, title III, §302, as added Pub. L. 93-423, §5(b), Sept. 27, 1974, 88 Stat. 1159; amend-

ed Pub. L. 94-487, title I, §110, Oct. 12, 1976, 90 Stat. 2333.)

**CODIFICATION**

In subsecs. (b)(2) and (c), “section 6506 of title 31” substituted for “title IV of the Intergovernmental Cooperation Act of 1968 [42 U.S.C. 4231 et seq.]” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

**AMENDMENTS**

1976—Subsec. (a). Pub. L. 94-487 substituted provisions for economic development plan certification procedure for provisions relating to factors to be considered in overall State economic development planning and annual report to Secretary on planning process of State assisted by this section.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 3152, 3153 of this title.

**§ 3152. Authorization of appropriations**

(a) There is hereby authorized to be appropriated \$25,000,000 annually for the purpose of sections 3151 and 3151a of this title, for the fiscal year ending June 30, 1966, and for each fiscal year thereafter through the fiscal year ending June 30, 1969, \$50,000,000 per fiscal year for the fiscal years ending June 30, 1970, June 30, 1971, June 30, 1972, and June 30, 1973, and \$35,000,000 for the fiscal year ending June 30, 1974, and \$75,000,000 per fiscal year for the fiscal years ending June 30, 1975, and June 30, 1976, \$18,750,000 for the period beginning July 1, 1976, and ending September 30, 1976, and \$75,000,000 per fiscal year for the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, September 30, 1980, and September 30, 1981, and not to exceed \$35,500,000 for the fiscal year ending September 30, 1982.

(b) Not to exceed \$15,000,000 in each of the fiscal years ending June 30, 1975, June 30, 1976, September 30, 1977, September 30, 1978, September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, of the sums authorized to be appropriated under subsection (a) of this section, shall be available to make grants to States.

(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.)

**AMENDMENTS**

1981—Subsec. (a). Pub. L. 97-35 substituted appropriation of \$35,500,000 for fiscal year ending Sept. 30, 1982, for appropriation of \$75,000,000 for such year.

1980—Subsecs. (a), (b). Pub. L. 96-506 inserted provisions extending, in subsec. (a), the authorization, and in subsec. (b), the spending limitation, to fiscal years ending Sept. 30, 1980, 1981, and 1982, respectively.

1976—Subsec. (a). Pub. L. 94-487, §111(a), inserted authorization of appropriations for interim period July 1,

1976, to Sept. 30, 1976, and fiscal years ending Sept. 30, 1977, 1978, and 1979.

Subsec. (b). Pub. L. 94-487, §111(b), substituted "June 30, 1976, September 30, 1977, September 30, 1978, and September 30, 1979" for "and June 30, 1976".

1974—Pub. L. 93-423, §5(c), designated existing provisions as subsec. (a), substituted "sections 3151 and 3152a of this title" for "this subchapter", inserted "and \$75,000,000 per fiscal year for the fiscal years ending June 30, 1975, and June 30, 1976." after "year ending June 30, 1974", and added subsec. (b).

1973—Pub. L. 93-46 authorized appropriation of \$35,000,000 for fiscal year ending June 30, 1974.

1971—Pub. L. 92-65 authorized appropriation of \$50,000,000 for fiscal years ending June 30, 1972, and June 30, 1973.

1970—Pub. L. 91-304 authorized appropriation of \$50,000,000 for fiscal year ending June 30, 1971.

1969—Pub. L. 91-123 increased authorized appropriation from \$25,000,000 to \$50,000,000 for fiscal year ending June 30, 1970.

### § 3153. Supplemental and basic grants

#### (a) Authorization of appropriations; apportionment among States

There are hereby authorized to be appropriated \$35,000,000 for the fiscal year ending June 30, 1975, and \$75,000,000 for the fiscal year ending June 30, 1976, \$18,750,000 for the period beginning July 1, 1976, and ending September 30, 1976, and \$75,000,000 per fiscal year for the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, September 30, 1980, and September 30, 1981, for apportionment by the Secretary among the States for the purpose of supplementing or making grants and loans authorized under subchapters I, II, III (other than planning grants authorized under sections 3151(b) and 3151a of this title), IV, and IX of this chapter. Such funds shall be apportioned among the States in the ratio which all grants made under subchapter I of this chapter since August 26, 1965, in each State bear to the total of all such grants made in all the States since August 26, 1965.

#### (b) Contributions by State

Funds apportioned to a State pursuant to subsection (a) of this section shall be available for supplementing or making such grants or loans if the State makes a contribution of at least 25 per centum of the amount of such grant or loan in each case. Funds apportioned to a State under subsection (a) of this section shall remain available to such State until obligated or expended by it.

#### (c) Use of funds

Funds apportioned to a State pursuant to this section may be used by the Governor in supplementing grants or loans with respect to any project or assistance authorized under subchapters I, II, III (other than planning grants authorized under sections 3151(b) and 3151a of this title), IV, and IX of this chapter and approved by the Secretary after July 1, 1974. Such grants may be used to reduce or waive the non-Federal share otherwise required by this chapter, subject to the requirements of subsection (b) of this section.

#### (d) Federal contribution

In the case of any grant or loan for which all or any portion of the basic Federal contribution

to the project under this chapter is proposed to be made with funds available under this section, no such Federal contribution shall be made until the Secretary of Commerce certifies that such project meets all of the requirements of this chapter and could be approved for Federal contributions under this chapter if funds were available under this chapter (other than section 3188a<sup>1</sup> of this title) for such project. Funds may be provided for projects in a State under this section only if the Secretary determines that the level of Federal and State financial assistance under this chapter (other than section 3188a of this title) and under Acts other than this chapter, for the same type of projects in the State, will not be diminished in order to substitute funds authorized by this section.

#### (e) Applicability of State planning process to use of funds

After June 30, 1975, funds apportioned to a State pursuant to this section shall be used by the Governor in a manner which is consistent with the State planning process assisted under section 3151a of this title, if such planning process has been established in such State.

(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.)

#### REFERENCES IN TEXT

Section 3188a of this title, referred to in subsec. (d), was repealed by Pub. L. 97-35, title XVIII, §1821(a)(8), Aug. 13, 1981, 95 Stat. 766.

#### AMENDMENTS

1981—Subsec. (a). Pub. L. 97-35 struck out authorization for fiscal year ending Sept. 30, 1982.

1980—Subsec. (a). Pub. L. 96-506 inserted provisions extending authorization to fiscal years ending Sept. 30, 1980, 1981, and 1982.

1976—Subsec. (a). Pub. L. 94-487, §112(a), (b), authorized appropriations for interim period July 1, 1976, to Sept. 30, 1976, for fiscal years ending Sept. 30, 1977, 1978, and 1979, and substituted "subchapters I, II, III (other than planning grants authorized under sections 3151(b) and 3151a of this title), IV and IX" for "subchapters I, II, and IV".

Subsec. (c). Pub. L. 94-487, §112(c), substituted "subchapters I, II, III (other than planning grants authorized under sections 3151(b) and 3151a of this title), IV, or IX" for "subchapters I, II, or IV".

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3151a of this title.

#### SUBCHAPTER IV—AREA AND DISTRICT ELIGIBILITY

##### SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 3153, 3232, 3242 of this title.

<sup>1</sup> See References in Text note below.

## PART A—REDEVELOPMENT AREAS

**§ 3161. Area eligibility****(a) Criteria for determining eligible areas; unemployment; median family income; Indian lands; loss of major source of employment**

The Secretary shall designate as “redevelopment areas”—

(1) those areas in which he determines, upon the basis of standards generally comparable with those set forth in paragraphs (A) and (B), that there has existed substantial and persistent unemployment for an extended period of time and those areas in which he determines there has been a substantial loss of population due to lack of employment opportunity. There shall be included among the areas so designated any area—

(A) where the Secretary of Labor finds that the current rate of unemployment, as determined by appropriate annual statistics for the most recent twelve consecutive months, is 6 per centum or more and has averaged at least 6 per centum for the qualifying time periods specified in paragraph (B); and

(B) where the Secretary of Labor finds that the annual average rate of unemployment has been at least—

(i) 50 per centum above the national average for three of the preceding four calendar years, or

(ii) 75 per centum above the national average for two of the preceding three calendar years, or

(iii) 100 per centum above the national average for one of the preceding two calendar years.

The Secretary of Labor shall find the facts and provide the data to be used by the Secretary in making the determinations required by this subsection;

(2) those additional areas which have a median family income not in excess of 50 per centum of the national median, as determined by the most recent available statistics for such areas;

(3) those additional Federal or State Indian reservations or trust or restricted Indian-owned land areas which the Secretary, after consultation with the Secretary of the Interior or an appropriate State agency, determines manifest the greatest degree of economic distress on the basis of unemployment and income statistics and other appropriate evidence of economic underdevelopment; *Provided, however,* That uninhabited Federal or State Indian reservations or trust or restricted Indian-owned land areas may be designated where such designation would permit assistance to Indian tribes, with a direct beneficial effect on the economic well-being of Indians;

(4) upon request of such areas, those additional areas in which the Secretary determines that the loss, removal, curtailment, or closing of a major source of employment has caused within three years prior to, or threatens to cause within three years after, the date of the request an unusual and abrupt rise in

unemployment of such magnitude that the unemployment rate for the area at the time of the request exceeds the national average, or can reasonably be expected to exceed the national average, by 50 per centum or more unless assistance is provided. Notwithstanding any provision of subsection (b) of this section to the contrary, an area designated under the authority of this paragraph may be given a reasonable time after designation in which to submit the overall economic development program required by section 3142(b)(10) of this title;

(5) notwithstanding any provisions of this section to the contrary, those additional areas which were designated redevelopment areas under the Area Redevelopment Act [42 U.S.C. 2501 et seq.] on or after March 1, 1965; *Provided, however,* That the continued eligibility of such areas after the first annual review of eligibility conducted in accordance with section 3162 of this title shall be dependent on their qualification for designation under the standards of economic need set forth in subsections (a)(1) through (a)(4) of this section;

(6) those communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) which the Secretary determines have one of the following conditions:

(A) a large concentration of low-income persons;

(B) rural areas having substantial out-migration;

(C) substantial unemployment; or

(D) an actual or threatened abrupt rise of unemployment due to the closing or curtailment of a major source of employment.

No redevelopment area established under this paragraph shall be subject to the requirements of subparagraphs (A) and (C) of paragraph (1) of subsection (a) of section 3131 of this title. No redevelopment area established under this paragraph shall be eligible to meet the requirements of section 3171(a)(1)(B) of this title;

(7) those areas where per capita employment has declined significantly during the next preceding ten-year period for which appropriate statistics are available;

(8) those areas which the Secretary of Labor determines, on the basis of average annual available unemployment statistics, to have experienced unemployment which is both substantial and above the national average for the preceding twenty-four months;

(9) those areas which the Secretary determines have demonstrated long-term economic deterioration.

**(b) Size and boundaries of redevelopment areas**

The size and boundaries of redevelopment areas shall be as determined by the Secretary: *Provided, however,* That—

(1) no area shall be designated until it has an approved overall economic development program in accordance with section 3142(b)(10) of this title;

(2) any area which does not submit an acceptable overall economic development program in accordance with section 3142(b)(10) of this title within a reasonable time after notifi-

cation of eligibility for designation, shall not thereafter be designated prior to the next annual review of eligibility in accordance with section 3162 of this title;

(3) no area shall be designated which does not have a population of at least one thousand five hundred persons, except that this limitation shall not apply to any area designated under subsection (a)(3) or (a)(6) of this section; and

(4) except for areas designated under subsections (a)(3), (a)(4) and (a)(6) hereof, no area shall be designated which is smaller than a "labor area" (as defined by the Secretary of Labor), a county, or a municipality with a population of over twenty-five thousand, whichever in the opinion of the Secretary is appropriate.

Nothing in this subsection shall prevent any municipality, designated as a redevelopment area or eligible to be designated as a redevelopment area, from combining with any other community having mutual economic interests and transportation and marketing patterns for the purposes of such designation.

**(c) Use of data compiled by other Secretaries in making determination of redevelopment areas**

Upon the request of the Secretary, the Secretary of Labor, the Secretary of Agriculture, the Secretary of the Interior, and such other heads of agencies as may be appropriate are authorized to conduct such special studies, obtain such information, and compile and furnish to the Secretary such data as the Secretary may deem necessary or proper to enable him to make the determinations provided for in this section. The Secretary shall reimburse when appropriate, out of any funds appropriated to carry out the purposes of this chapter, the foregoing officers for any expenditures incurred by them under this section.

**(d) Designation of areas most nearly qualifying as redevelopment areas in event of failure of any area in State to qualify under preceding subsections**

If a State has no area designated under the preceding subsections of this section as a redevelopment area, the Secretary shall designate as a redevelopment area that area in such State which in his opinion most nearly qualifies under such preceding subsections. An area so designated shall have its eligibility terminated in accordance with the provisions of section 3162 of this title if any other area within the same State subsequently has become qualified or been designated under any other subsection of this section other than subsection (a)(6) as of the time of the annual review prescribed by section 3162 of this title: *Provided*, That the Secretary shall not terminate any designations of an area in a State as a redevelopment area if to do so would result in such State having no redevelopment area.

**(e) "Redevelopment area" defined**

As used in this chapter, the term "redevelopment area" refers to any area within the United States which has been designated by the Secretary as a redevelopment area.

(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.)

REFERENCES IN TEXT

The Area Redevelopment Act, referred to in subsec. (a)(5), is Pub. L. 87-27, May 1, 1961, 75 Stat. 47, which was classified principally to former chapter 28 (§2501 et seq.) of this title, and was omitted from the Code, with the exception of sections 2513 and 2514 of this title, which were repealed by Pub. L. 89-15, §9(b), Apr. 26, 1965, 79 Stat. 79. See sections 3161 and 3162 of this title.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-487, §113, substituted "twelve consecutive months" for "available calendar year" in subpar. (A), "to have experienced unemployment which is both substantial and above the national average for the preceding twelve months" for "were areas of substantial unemployment during the preceding calendar year" in par. (8), and added par. (9).

Subsec. (b). Pub. L. 94-487, §114, substituted "twenty-five" for "two hundred and fifty" in par. (4), and inserted provision allowing municipalities and communities having common interests to combine into one redevelopment area.

1974—Subsec. (a)(3). Pub. L. 93-423, §6, inserted proviso relating to designation of uninhabited Federal or State reservations or trust or restricted Indian owned areas.

Subsec. (a)(8). Pub. L. 93-423, §3(a), added par. (8).

1971—Subsec. (a)(2). Pub. L. 92-65, §106(1), substituted "50 per centum" for "40 per centum".

Subsec. (a)(6). Pub. L. 92-65, §106(2), broadened definition of special impact areas to include communities or neighborhoods without regard to political or other subdivisions or boundaries, having conditions under subpars. (A) to (D), and provided that such areas shall not be subject to requirements of section 3131(a)(1)(A), (B), and (C) of this title or be eligible to meet requirements of section 3171(a)(1)(B) of this title, and struck out reference to section 2763 et seq. of this title.

Subsec. (a)(7). Pub. L. 92-65, §106(2), added par. (7).

1969—Subsec. (a)(6). Pub. L. 91-123, §304(a), added par. (6).

Subsec. (b)(3), (4). Pub. L. 91-123, §304(b), (c), inserted reference to subsec. (a)(6) of this section.

Subsec. (d). Pub. L. 91-123, §304(d), provided for termination of eligibility in accordance with provisions of section 3162 of this title of any designated area if any other area within the same State becomes qualified or designated under any subsection of this section other than subsec. (a)(6).

1966—Subsec. (b)(3). Pub. L. 89-794 substituted "except that this limitation shall not apply to any area designated under subsection (a)(3) of this section; and" for "except for areas designated under subsection (a)(3) of this section, which shall have a population of not less than one thousand persons; and".

AREAS DEEMED TO BE DESIGNATED AS AREAS OF SUBSTANTIAL UNEMPLOYMENT

Section 3(b) of Pub. L. 93-423 provided that: "Any area of substantial unemployment so designated under authority of section 102 of title I of the Public Works and Economic Development Act of 1965 [section 3132 of this title] which has not had such designation terminated before the date of enactment of this section [Sept. 27, 1974] shall be deemed for the purposes of such Act [this chapter] to be such an area designated under section 401(a)(8) of such Act [subsec. (a)(8) of this section]."

EXECUTIVE ORDER NO. 11307

Ex. Ord. No. 11307, Sept. 30, 1966, 31 F.R. 12917, which provided for coordination of Federal programs affecting

agricultural and rural area development, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3131, 3135, 3162, 3171, 3225, 9815 of this title; title 19 section 2371.

**§ 3162. Annual review of area eligibility; termination of eligibility; notification of change of classification**

The Secretary shall conduct an annual review of all areas designated in accordance with section 3161 of this title, and on the basis of such reviews shall terminate or modify such designation whenever such an area no longer satisfies the designation requirements of section 3161 of this title, but in no event shall such a designation of an area be terminated prior to the expiration of the third year after the date such area was so designated. No area previously designated shall retain its designated status unless it maintains a currently approved overall economic development program in accordance with section 3142(b)(10) of this title. No termination of eligibility shall (1) be made without thirty days' prior notification to the area concerned, (2) affect the validity of any application filed, or contract or undertaking entered into, with respect to such area pursuant to this chapter prior to such termination, (3) prevent any such area from again being designated a redevelopment area under section 3161 of this title if the Secretary determines it to be eligible under such section, or (4) be made in the case of any designated area where the Secretary determines that an improvement in the unemployment rate of a designated area is primarily the result of increased employment in occupations not likely to be permanent. The Secretary shall keep the departments and agencies of the Federal Government, and interested State or local agencies, advised at all times of any changes made hereunder with respect to the classification of any area.

(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.)

AMENDMENTS

1971—Pub. L. 92-65 substituted provisions authorizing the Secretary to terminate or modify the designation of an area when such area does not satisfy the requirements of section 3161 of this title and that such designation may not be terminated within three years of designation for provisions authorizing the Secretary to terminate or modify the designation in accordance with objective standards to be prescribed by him by regulation.

TERMINATION OR MODIFICATION OF DESIGNATION AS REDEVELOPMENT AREA AFTER MAY 1, 1970, AND BEFORE SEPT. 30, 1982

Pub. L. 91-304, §2, July 6, 1970, 84 Stat. 375, as amended by Pub. L. 92-65, title I, §111, Aug. 5, 1971, 85 Stat. 168; Pub. L. 93-46, §6(a), June 18, 1973, 87 Stat. 97; Pub. L. 93-423, §10, Sept. 27, 1974, 88 Stat. 1162; Pub. L. 94-487, title I, §130, Oct. 12, 1976, 90 Stat. 2339; Pub. L. 96-506, §2, Dec. 8, 1980, 94 Stat. 2746, provided that: "Notwithstanding section 402 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162) no area designated as a redevelopment area for the purposes of such Act [see Short Title note set out under section 3121 of this title] shall have such designation termi-

nated or modified in accordance with such section after May 1, 1970, and before Sept. 30, 1982, unless the local governing body of the county qualified under existing criteria for de-designation specifically requests de-designation action."

Pub. L. 93-46, §6(b), June 18, 1973, 87 Stat. 97, provided that: "The amendment made by subsection (a) of this section [amending par. above] shall take effect May 31, 1972, and any area designated as a redevelopment area for the purposes of the Public Works and Economic Development Act of 1965, as amended, on or before that date and which has had such designation terminated or modified in accordance with section 402 of such Act of 1965 on or before the date of enactment of this Act [June 18, 1973] shall, for the purposes of such Act of 1965, be held and considered as a designated redevelopment area during such period and shall continue to be designated as a redevelopment area until otherwise terminated or modified in accordance with the provisions of section 402 of such Act of 1965, and section 2 of the Act of July 6, 1970, as amended by this Act (Public Law 91-304) [provisions of note set out above]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3144, 3161 of this title.

PART B—ECONOMIC DEVELOPMENT DISTRICTS

**§ 3171. District eligibility**

**(a) Authority to designate economic development districts; criteria; economic development centers; increases of grants**

In order that economic development projects of broader geographical significance may be planned and carried out the Secretary is authorized—

(1) to designate appropriate "economic development districts" within the United States with the concurrence of the States in which such districts will be wholly or partially located, if—

(A) 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 redevelopment area;

(B) the proposed district contains at least one redevelopment area;

(C) the proposed district contains one or more redevelopment areas or economic development centers identified in an approved district overall economic development program as having sufficient size and potential to foster the economic growth activities necessary to alleviate the distress of the redevelopment areas within the district; and

(D) the proposed district has a district overall economic development program which includes adequate land use and transportation planning and contains a specific program for district cooperation, self-help, and public investment and is approved by the State or States affected and by the Secretary;

(2) to designate as "economic development centers," in accordance with such regulations as he shall prescribe, such areas as he may deem appropriate, if—

(A) the proposed center has been identified and included in an approved district overall economic development program and recommended by the State or States affected for such special designation;

(B) the proposed center is geographically and economically so related to the district that its economic growth may reasonably be expected to contribute significantly to the alleviation of distress in the redevelopment areas of the district; and

(C) the proposed center does not have a population in excess of two hundred and fifty thousand according to the last preceding Federal census.

(3) to provide financial assistance in accordance with the criteria of sections 3131, 3141, and 3142 of this title, except as may be herein otherwise provided, for projects in economic development centers designated under subsection (a)(2) above, if—

(A) the project will further the objectives of the overall economic development program of the district in which it is to be located;

(B) the project will enhance the economic growth potential of the district or result in additional long-term employment opportunities commensurate with the amount of Federal financial assistance requested; and

(C) the amount of Federal financial assistance requested is reasonably related to the size, population, and economic needs of the district;

(4) subject to the 20 per centum non-Federal share required for any project by section 3131(c) of this title, to increase the amount of grant assistance authorized by section 3131 of this title for projects within redevelopment areas (designated under section 3161 of this title), by an amount not to exceed 10 per centum of the aggregate cost of any such project, in accordance with such regulations as he shall prescribe if—

(A) the redevelopment area is situated within a designated economic development district and is actively participating in the economic development activities of the district; and

(B) the project is consistent with an approved district overall economic development program.

**(b) State proposals; State and local participation**

In designating economic development districts and approving district overall economic development programs under subsection (a) of this section, the Secretary is authorized, under regulations prescribed by him—

(1) to invite the several States to draw up proposed district boundaries and to identify potential economic development centers;

(2) to cooperate with the several States—

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

(B) in assisting such district groups to formulate district overall economic development programs;

(3) to encourage participation by appropriate local governmental authorities in such economic development districts.

**(c) Termination and modification of districts and centers**

The Secretary shall by regulation prescribe standards for the termination or modification of

economic development districts and economic development centers designated under the authority of this section.

**(d) "Economic development district" defined**

As used in this chapter, the term "economic development district" refers to any area within the United States composed of cooperating redevelopment areas and, where appropriate, designated economic development centers and neighboring counties or communities, which has been designated by the Secretary as an economic development district.

**(e) "Economic development center" defined**

As used in this chapter, the term "economic development center" refers to any area within the United States which has been identified as an economic development center in an approved district overall economic development program and which has been designated by the Secretary as eligible for financial assistance under sections 3131, 3141, and 3142 of this title in accordance with the provisions of this section.

**(f) "Local government" defined**

For the purpose of this chapter the term "local government" means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

**(g) Authorization of appropriations**

There is hereby authorized to be appropriated not to exceed \$50,000,000 for the fiscal year ending June 30, 1967, and for each fiscal year thereafter through the fiscal year ending June 30, 1973, and not to exceed \$45,000,000 per fiscal year for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, not to exceed \$11,250,000 for the period beginning July 1, 1976, and ending September 30, 1976, and not to exceed \$45,000,000 per fiscal year for the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, September 30, 1980, and September 30, 1981, for financial assistance extended under the provisions of subsection (a)(3) and (a)(4) hereof.

**(h) Effective date**

In order to allow time for adequate and careful district planning, subsection (g) of this section shall not be effective until one year from August 26, 1965.

**(i) Furnishing of overall economic development program to appropriate regional commission**

Each economic development district designated by the Secretary under this section shall as soon as practicable after the date of enactment of this section or after its designation provide that a copy of the district overall economic development program be furnished to the appropriate regional commission established under subchapter V<sup>1</sup> of this chapter, if any part of such proposed district is within such a region, or to the Appalachian Regional Commission established under the Appalachian Regional Development Act of 1965, if any part of such proposed district is within the Appalachian region.

<sup>1</sup> See References in Text note below.

**(j) Financial assistance to parts of an economic development district not within a redevelopment area; manner and extent of assistance**

The Secretary is authorized to provide the financial assistance which is available to a redevelopment area under this chapter to those parts of an economic development district which are not within a redevelopment area, when such assistance will be of substantial direct benefit to a redevelopment area within such district. Such financial assistance shall be provided in the same manner and to the same extent as is provided in this chapter for a redevelopment area, except that nothing in this subsection shall be construed to permit such parts to receive the increase in the amount of grant assistance authorized in paragraph (4) of subsection (a) of this section.

(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.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (i), probably means the date of enactment of Pub. L. 93-423, which was approved Sept. 27, 1974.

Subchapter V of this chapter, referred to in subsec. (i), was repealed by Pub. L. 97-35, title XVIII, §1821(a)(8), Aug. 13, 1981, 95 Stat. 766.

The Appalachian Regional Development Act of 1965, referred to in subsec. (i), is Pub. L. 89-4, Mar. 9, 1965, 79 Stat. 5, as amended, which is set out in the Appendix to Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1981—Subsec. (g). Pub. L. 97-35 struck out authorization for fiscal year ending Sept. 30, 1982.

1980—Subsec. (g). Pub. L. 96-506 inserted provision extending authorization for fiscal years ending Sept. 30, 1980, 1981, and 1982.

1976—Subsec. (g). Pub. L. 94-487 provided authorization of appropriations for interim period of July 1, 1976, to Sept. 30, 1976, and for fiscal years ending Sept. 30, 1977, 1978, and 1979.

1974—Subsec. (a)(1)(B). Pub. L. 93-423, §7(a), substituted "at least one redevelopment area" for "two or more redevelopment areas".

Subsec. (g). Pub. L. 93-423, §7(c), substituted "per fiscal year for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976," for "for the fiscal year ending June 30, 1974,".

Subsecs. (i), (j). Pub. L. 93-423, §7(b), added subsecs. (i) and (j).

1973—Subsec. (g). Pub. L. 93-46 authorized appropriation of \$45,000,000 for fiscal year ending June 30, 1974.

1971—Subsec. (g). Pub. L. 92-65 extended authorization of appropriations from fiscal year ending June 30, 1971, to fiscal year ending June 30, 1973.

1970—Subsec. (g). Pub. L. 91-304 extended authorization of appropriations from fiscal year ending June 30, 1970, to fiscal year ending June 30, 1971.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3143, 3161, 3211, 3220, 3221, 3222, 3223, 3225 of this title.

PART C—INDIAN ECONOMIC DEVELOPMENT

**§ 3172. Authorization of appropriations**

In order to assure a minimum Federal commitment to alleviate economic distress of Indians, in addition to their eligibility for assistance with funds authorized under other parts of this chapter, there are authorized to be appropriated not to exceed \$25,000,000 per fiscal year for the fiscal years ending June 30, 1975 and June 30, 1976, not to exceed \$6,250,000 for the period beginning July 1, 1976, and ending September 30, 1976, and not to exceed \$25,000,000 per fiscal year for the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, September 30, 1980, and September 30, 1981, for the purpose of providing assistance under this chapter to Indian tribes. Such sums shall be in addition to all other funds made available to Indian tribes under this chapter.

(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.)

AMENDMENTS

1981—Pub. L. 97-35 struck out authorization for fiscal year ending Sept. 30, 1982.

1980—Pub. L. 96-506 inserted provision extending authorization for fiscal years ending Sept. 30, 1980, 1981, and 1982.

1976—Pub. L. 94-487 provided authorization of appropriations for interim period of July 1, 1976, to Sept. 30, 1976, and for fiscal years ending Sept. 30, 1977, 1978, and 1979.

PART D—UNEMPLOYMENT RATE DETERMINATIONS

**§ 3173. Source of information; technical assistance**

Whenever any provision of this chapter requires the Secretary of Labor, or the Secretary, to make any determination or other finding relating to the unemployment rate of any area, information regarding such unemployment rate may be furnished either by the Federal Government or by a State. Unemployment rates furnished by a State shall be accepted by the Secretary unless he determines that such rates are inaccurate. The Secretary shall provide technical assistance to State and local governments in the calculation of unemployment rates to insure their validity and standardization.

(Pub. L. 89-136, title IV, §405, as added Pub. L. 94-487, title I, §117, Oct. 12, 1976, 90 Stat. 2335.)

SUBCHAPTER V—REGIONAL ACTION  
PLANNING COMMISSIONS

**§§ 3181 to 3192. Repealed. Pub. L. 97-35, title XVIII, § 1821(a)(8), Aug. 13, 1981, 95 Stat. 766**

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.

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.

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.

#### EFFECTIVE DATE OF REPEAL

Section 1821(a)(8) of Pub. L. 97-35 provided that the repeal of this subchapter is effective Sept. 30, 1981.

#### § 3193. Repealed. Pub. L. 94-519, § 6, Oct. 17, 1976, 90 Stat. 2456

Section, 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 co-chairman of each regional action planning commission.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 17, 1977, see section 9 of Pub. L. 94-519, set out as an Effective Date of 1976 Amendment note under section 484 of Title 40, Public Buildings, Property, and Works.

#### §§ 3194 to 3196. Repealed. Pub. L. 97-35, title XVIII, § 1821(a)(8), Aug. 13, 1981, 95 Stat. 766

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.

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.

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.

#### EFFECTIVE DATE OF REPEAL

Section 1821(a)(8) of Pub. L. 97-35 provided that the repeal of this subchapter is effective Sept. 30, 1981.

#### SUBCHAPTER VI—ADMINISTRATION

#### § 3201. Appointment of Assistant Secretary of Commerce and Administrator for Economic Development; compensation

The Secretary shall administer this chapter and, with the assistance of an Assistant Secretary of Commerce, in addition to those already provided for, shall supervise and direct the Administrator created herein, and coordinate the Federal cochairmen appointed heretofore or subsequent to this chapter. The Assistant Secretary created by this section shall be appointed by the President by and with the advice and consent of the Senate. Such Assistant Secretary shall perform such functions as the Secretary may prescribe. There shall be appointed by the President, by and with the advice and consent of the Senate, an Administrator for Economic Development who shall be compensated at the rate provided for level V of the Federal Executive Salary Schedule [5 U.S.C. 5316] who shall perform such duties as are assigned by the Secretary.

(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.)

#### AMENDMENTS

1982—Pub. L. 97-195 struck out provision which provided that the Assistant Secretary created by this section would be compensated at the rate provided for level IV of the Federal Executive Salary Schedule.

#### § 3202. Advisory Committee on Regional Economic Development; membership; chairman; meetings

The Secretary shall appoint a National Public Advisory Committee on Regional Economic Development which shall consist of twenty-five members and shall be composed of representatives of labor, management, agriculture, State and local governments, and the public in general. From the members appointed to such Committee the Secretary shall designate a Chairman. Such Committee, or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary relative to the carrying out of his duties under this chapter. Such Committee shall hold not less than two meetings during each calendar year.

(Pub. L. 89-136, title VI, § 602, Aug. 26, 1965, 79 Stat. 570.)

#### TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by

appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 3203. Consultation of Secretary with other persons and agencies**

(a) The Secretary is authorized from time to time to call together and confer with any persons, including representatives of labor, management, agriculture, and government, who can assist in meeting the problems of area and regional unemployment or underemployment.

(b) The Secretary may make provision for such consultation with interested departments and agencies as he may deem appropriate in the performance of the functions vested in him by this chapter.

(Pub. L. 89-136, title VI, §603, Aug. 26, 1965, 79 Stat. 570.)

**§ 3204. Administration, operation, and maintenance**

No Federal assistance shall be approved under this chapter unless 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 VI, §604, as added Pub. L. 90-103, title II, §204, Oct. 11, 1967, 81 Stat. 268.)

SUBCHAPTER VII—MISCELLANEOUS

**§ 3211. Powers of Secretary**

In performing his duties under this chapter, the Secretary is authorized to—

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

(2) hold such hearings, sit and act at such times and places, and take such testimony, as he may deem advisable;

(3) request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics needed to carry out the purposes of this chapter; and each department, bureau, agency, board, commission, office, establishment or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary;

(4) under regulations prescribed by him, assign or sell at public or private sale, or otherwise dispose of for cash or credit, in his discretion and upon such terms and conditions and for such consideration as he shall determine to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with loans made or evidences of indebtedness purchased under this chapter, and collect or compromise all obligations assigned to or held by him in connection with such loans or evidences of indebtedness until such time as such obligations may be referred to the Attorney General for suit or collection;

(5) further extend the maturity of or renew any loan made or evidence of indebtedness

purchased under this chapter, beyond the periods stated in such loan or evidence of indebtedness or in this chapter, for additional periods not to exceed ten years, if such extension or renewal will aid in the orderly liquidation of such loan or evidence of indebtedness;

(6) deal with, complete, renovate, improve, modernize, insure, rent, or sell for cash or credit, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any real or personal property conveyed to, or otherwise acquired by, him in connection with loans made or evidences of indebtedness purchased under this chapter;

(7) pursue to final collection, by way of compromise or other administrative action, prior to reference to the Attorney General, all claims against third parties assigned to him in connection with loans made or evidences of indebtedness purchased under this chapter. This shall include authority to obtain deficiency judgments or otherwise in the case of mortgages assigned to the Secretary. Section 5 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 loans made or evidences of indebtedness purchased under this chapter if the premium therefor or the amount thereof does not exceed \$1,000. 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 therein acquired by the Secretary pursuant to the provisions of this chapter may be exercised by the Secretary or by any officer or agent appointed by him for that purpose without the execution of any express delegation of power or power of attorney;

(8) acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible), whenever deemed necessary or appropriate to the conduct of the activities authorized in sections 3141, 3142, 3151, 3171, and 3183<sup>1</sup> of this title;

(9) in addition to any powers, functions, privileges, and immunities otherwise vested in him, take any and all actions, including the procurement of the services of attorneys by contract, determined by him to be necessary or desirable in making, purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with or realizing on loans made or evidences of indebtedness purchased under this chapter;

(10) employ experts and consultants or organizations therefor as authorized by section 3109 of title 5, compensate individuals so employed at rates not in excess of \$100 per diem, including travel time, and allow them, 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 in the Government service employed intermittently, while so employed: *Provided, however,* That contracts for such employment may be renewed annually;

<sup>1</sup> See References in Text note below.

(11) sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Secretary or his property. Nothing herein shall be construed to except the activities under this chapter from the application of sections 507(b), 517 and 2679 of title 28; and

(12) establish such rules, regulations, and procedures as he may deem appropriate in carrying out the provisions of this chapter.

(Pub. L. 89-136, title VII, §701, Aug. 26, 1965, 79 Stat. 570.)

#### REFERENCES IN TEXT

Section 3183 of this title, referred to in par. (8), was repealed by Pub. L. 97-35, title XVIII, §1821(a)(8), Aug. 13, 1981, 95 Stat. 766.

#### CODIFICATION

In par. (10), "section 3109 of title 5" and "section 5703 of title 5" substituted for "section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a)" and "section 5 of such Act (5 U.S.C. 73b-2)", respectively, on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

In par. (11), reference to section 517 of title 28 substituted for "section 367 of the Revised Statutes (5 U.S.C. 316)" on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, section 4 of which enacted in Title 28, Judiciary and Judicial Procedure, certain provisions formerly appearing in Title 5.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3141, 3142, 3151 of this title.

### § 3212. Prevention of unfair competition

No financial assistance under this chapter shall be extended to any project when the result would be to increase the production of goods, materials, or commodities, or the availability of services or facilities, when there is not sufficient demand for such goods, material, commodities, services, or facilities, to employ the efficient capacity of existing competitive commercial or industrial enterprises.

(Pub. L. 89-136, title VII, §702, Aug. 26, 1965, 79 Stat. 572.)

### § 3213. Saving provisions

(a) No suit, action, or other proceeding lawfully commenced by or against the Administrator or any other officer of the Area Redevelopment Administration in his official capacity or in relation to the discharge of his official duties under the Area Redevelopment Act [42 U.S.C. 2501 et seq.], shall abate by reason of the taking effect of the provisions of this chapter, but the court may, on motion or supplemental petition filed at any time within twelve months after such taking effect, showing a necessity for the survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the Secretary or the Administrator or

such other officer of the Department of Commerce as may be appropriate.

(b) Except as may be otherwise expressly provided in this chapter, all powers and authorities conferred by this chapter shall be cumulative and additional to and not in derogation of any powers and authorities otherwise existing. All rules, regulations, orders, authorizations, delegations, or other actions duly issued, made, or taken by or pursuant to applicable law, prior to August 26, 1965, by any agency, officer, or office pertaining to any functions, powers, and duties under the Area Redevelopment Act [42 U.S.C. 2501 et seq.] shall continue in full force and effect after August 26, 1965, until modified or rescinded by the Secretary or such other officer of the Department of Commerce as, in accordance with applicable law, may be appropriate.

(Pub. L. 89-136, title VII, §703, Aug. 26, 1965, 79 Stat. 572.)

#### REFERENCES IN TEXT

The Area Redevelopment Act, referred to in text, is Pub. L. 87-27, May 1, 1961, 75 Stat. 47, which was classified principally to former chapter 28 (§2501 et seq.) of this title, and was omitted from the Code, with the exception of sections 2513 and 2514 of this title, which were repealed by Pub. L. 89-15, §9(b), Apr. 26, 1965, 79 Stat. 79. See sections 3161 and 3162 of this title.

### § 3214. Transfer of functions of Area Redevelopment Administration

#### (a) Functions; powers; duties

The functions, powers, duties, and authorities and the assets, funds, contracts, loans, liabilities, commitments, authorizations, allocations, and records which are vested in or authorized to be transferred to the Secretary of the Treasury under section 2525(b) of this title, and all functions, powers, duties, and authorities under section 2525(c) of this title are hereby vested in the Secretary.

#### (b) Designation of interim Administrator

The President may designate a person to act as Administrator under this chapter until the office is filled as provided in this chapter or until the expiration of the first period of sixty days following August 26, 1965, whichever shall first occur. While so acting such person shall receive compensation at the rate provided by this chapter for such office.

#### (c) Effective date of chapter

The provisions of this chapter shall take effect on August 26, 1965, unless herein explicitly otherwise provided.

#### (d) Extension of project eligibility

Notwithstanding any requirements of this chapter relating to the eligibility of areas, projects for which applications are pending before the Area Redevelopment Administration on August 26, 1965 shall for a period of one year thereafter be eligible for consideration by the Secretary for such assistance under the provisions of this chapter as he may determine to be appropriate.

#### (e) Limitation on assistance

No financial assistance authorized under this chapter shall be used to finance the cost of fa-

cilities for the generation, transmission, or distribution of electrical energy, or to finance the cost of facilities for the production or transmission of gas (natural, manufactured, or mixed), except (1) for projects specifically authorized by Congress, and (2) for local projects for industrial parks and industrial or commercial areas in communities where the electrical energy or gas supply is, or is threatened to be interrupted or curtailed resulting in a loss of jobs, or where the purpose is to save jobs, or create new jobs, on condition that (A) the Secretary finds that project financing is not available from private lenders or other Federal agencies on terms which, in the opinion of the Secretary, will permit accomplishment of the project, and (B) the State or Federal regulatory body regulating such service determines that the facility to be financed will not compete with an existing public utility rendering such a service to the public at rates or charges subject to regulation by such State or Federal regulatory body, or if there is a determination of competition, the State or Federal regulatory body must make a determination that in the area to be served by the facility for which the financial assistance is to be extended there is a need for an increase in such service (taking into consideration reasonably foreseeable future needs) which the existing public utility is not able to meet through its existing facilities or through an expansion which it agrees to undertake. Not more than \$7,000,000 appropriated to carry out subchapters I and II of this chapter may be expended annually for such projects.

(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.)

#### REFERENCES IN TEXT

Section 2525 of this title, referred to in subsec. (a), was in the original a reference to section 29 of the Area Redevelopment Act, Pub. L. 87-27, May 1, 1961, 75 Stat. 63, which was omitted from the Code.

#### AMENDMENTS

1976—Subsec. (e). Pub. L. 94-487 inserted exceptions embodied in cl. (2) to limitation on financial assistance authorized under this chapter.

#### § 3215. Separability

Notwithstanding any other evidence of the intent of Congress, it is hereby declared to be the intent of Congress that if any provision of this chapter or the application thereof to any persons or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this chapter or its application to other persons and circumstances, but shall be confined in its operation to the provision of this chapter or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

(Pub. L. 89-136, title VII, §705, Aug. 26, 1965, 79 Stat. 573.)

#### § 3216. Definitions

As used in this chapter, the terms “State”, “States”, and “United States” include the sev-

eral States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(Pub. L. 89-136, title VII, §706, Aug. 26, 1965, 79 Stat. 573.)

#### § 3217. Annual report to Congress

The Secretary shall make a comprehensive and detailed annual report to the Congress of his operations under this chapter for each fiscal year beginning with the fiscal year ending June 30, 1966. Such report shall be printed and shall be transmitted to the Congress not later than April 1 of the year following the fiscal year with respect to which such report is made.

(Pub. L. 89-136, title VII, §707, Aug. 26, 1965, 79 Stat. 573; Pub. L. 94-273, §26, Apr. 21, 1976, 90 Stat. 380.)

#### AMENDMENTS

1976—Pub. L. 94-273 substituted “April 1” for “January 3”.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3144, 3151, 3244 of this title.

#### § 3218. Use of other facilities

##### (a) Delegation and redelegation of functions to other Federal departments and agencies

The Secretary is authorized to delegate to the heads of other departments and agencies of the Federal Government any of the Secretary's functions, powers, and duties under this chapter as he may deem appropriate, and to authorize the redelegation of such functions, powers, and duties by the heads of such departments and agencies.

##### (b) Department and agency execution of delegated authority

Departments and agencies of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this chapter.

##### (c) Transfer of funds

Funds authorized to be appropriated under this chapter may be transferred between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

(Pub. L. 89-136, title VII, §708, Aug. 26, 1965, 79 Stat. 573.)

#### § 3219. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out those provisions of the<sup>1</sup> chapter for which specific authority for appropriations is not otherwise provided in this chapter except that there are hereby authorized to be appropriated to carry out those provisions of the<sup>1</sup> chapter for which specific authority for appropriations is not otherwise provided in this chapter not to exceed \$25,000,000 for the fiscal year ending September 30, 1982. Appropriations authorized under

<sup>1</sup> So in original. Probably should be “this”.

this chapter shall remain available until expended unless otherwise provided by appropriations Acts.

(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.)

#### AMENDMENTS

1981—Pub. L. 97-35 inserted provisions relating to authorization of appropriation for fiscal year ending Sept. 30, 1982.

### § 3220. Penalties

#### (a) False statements; security overvaluation

Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of obtaining for himself or for any applicant any financial assistance under section 3131, 3141, 3142, or 3171 of this title or any extension thereof by renewal, deferment or action, or otherwise, or the acceptance, release, or substitution of security therefor, or for the purpose of influencing in any way the action of the Secretary, or for the purpose of obtaining money, property, or anything of value, under this chapter, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both.

#### (b) Embezzlement; misapplication of funds; false book entries; schemes to defraud; speculation

Whoever, being connected in any capacity with the Secretary, in the administration of this chapter (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to him or pledged or otherwise entrusted to him, or (2) with intent to defraud the Secretary or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner, makes any false entry in any book, report, or statement of or to the Secretary, or without being duly authorized draws any order or issues, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof, or (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 which 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 punished by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both.

(Pub. L. 89-136, title VII, §710, Aug. 26, 1965, 79 Stat. 574.)

### § 3221. Employment of expeditors and administrative employees

No financial assistance shall be extended by the Secretary under section 3131, 3141, 3142, or 3171 of this title to any business enterprise un-

less the owners, partners, or officers of such business enterprise (1) certify to the Secretary the names of any attorneys, agents, and other persons engaged by or on behalf of such business enterprise for the purpose of expediting applications made to the Secretary for assistance of any sort, under this chapter, and the fees paid or to be paid to any such person; and (2) execute an agreement binding such business enterprise, for a period of two years after such assistance is rendered by the Secretary to such business enterprise, to refrain from employing, tendering any office or employment to, or retaining for professional services, any person who, on the date such assistance or any part thereof was rendered, or within one year prior thereto, shall have served as an officer, attorney, agent, or employee, occupying a position or engaging in activities which the Secretary shall have determined involve discretion with respect to the granting of assistance under this chapter.

(Pub. L. 89-136, title VII, §711, Aug. 26, 1965, 79 Stat. 574.)

### § 3222. Labor standards; rate of wages; assurance of maintenance of standards; enforcement

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 the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5). The Secretary shall not extend any financial assistance under section 3131, 3141, 3142, 3171, 3243, and 3246b of this title 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 276c of title 40.

(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.)

#### REFERENCES IN TEXT

The Davis-Bacon Act, referred to in text, is act Mar. 3, 1931, ch. 411, 46 Stat. 1494, as amended, which is classified generally to section 276a to 276a-5 of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 276a of Title 40 and Tables.

Section 3246b of this title, referred to in text, was omitted from the Code pursuant to section 3246g of this title which provided that no further obligation of funds shall be made by the Secretary of Commerce after Sept. 30, 1981.

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

#### AMENDMENTS

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

### § 3223. Maintenance of records of approved applications for financial assistance; public inspection

The Secretary shall maintain as a permanent part of the records of the Department of Com-

merce a list of applications approved for financial assistance under section 3131, 3141, 3142, or 3171 of this title, which shall be kept available for public inspection during the regular business hours of the Department of Commerce. The following information shall be posted in such list as soon as each application is approved; (1) the name of the applicant and, in the case of corporate applications, the names of the officers and directors thereof, (2) the amount and duration of the loan or grant for which application is made, (3) the purposes for which the proceeds of the loan or grant are to be used, and (4) a general description of the security offered in the case of a loan.

(Pub. L. 89-136, title VII, §713, Aug. 26, 1965, 79 Stat. 575.)

#### § 3224. Records and audit

##### (a) Prescribed record keeping by recipients; full disclosure

Each recipient of assistance under this chapter shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

##### (b) Access to books for examination and audit

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

(Pub. L. 89-136, title VII, §714, Aug. 26, 1965, 79 Stat. 575.)

#### § 3225. Extension of benefits made available under other Federal programs

All benefits heretofore specifically made available (and not subsequently revoked) under other Federal programs to persons or to public or private organizations, corporations, or entities in areas designated by the Secretary as "redevelopment areas" under section 2504 of this title, are hereby also extended, insofar as practicable, to such areas as may be designated as "redevelopment areas" or "economic development centers" under the authority of section 3161 or 3171 of this title; *Provided, however*, That this section shall not be construed as limiting such administrative discretion as may have been conferred under any other law.

(Pub. L. 89-136, title VII, §715, Aug. 26, 1965, 79 Stat. 575.)

##### REFERENCES IN TEXT

Section 2504 of this title, referred to in text, was in the original a reference to section 5 of the Area Redevelopment Act, Pub. L. 87-27, §5, May 1, 1961, 75 Stat. 48, which was omitted from the Code.

#### § 3226. Prohibition against a statutory construction which might cause diminution in other Federal assistance

All financial and technical assistance authorized under this chapter shall be in addition to any Federal assistance previously authorized, and no provision hereof shall be construed as authorizing or permitting any reduction or diminution in the proportional amount of Federal assistance to which any State or any other entity eligible under this chapter would otherwise be entitled under the provisions of any other Act.

(Pub. L. 89-136, title VII, §716, Aug. 26, 1965, 79 Stat. 576.)

#### SUBCHAPTER VIII—ECONOMIC RECOVERY FOR DISASTER AREAS

#### § 3231. Congressional statement of purpose; "major disaster" defined

(a) It is the purpose of this subchapter to provide assistance for the economic recovery, after the period of emergency aid and replacement of essential facilities and services, of any major disaster area which has suffered a dislocation of its economy of sufficient severity to require (1) assistance in planning for development to replace that lost in the major disaster; (2) continued coordination of assistance available under Federal-aid programs; and (3) continued assistance toward the restoration of the employment base.

(b) As used in this subchapter the term "major disaster" means a major disaster declared by the President in accordance with the Disaster Relief and Emergency Assistance Act [42 U.S.C. 5121 et seq.].

(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.)

##### REFERENCES IN TEXT

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

##### AMENDMENTS

1988—Subsec. (b). Pub. L. 100-707 substituted "Disaster Relief and Emergency Assistance Act" for "Disaster Relief Act of 1974".

##### EFFECTIVE DATE

Section effective Apr. 1, 1974, see section 605 of Pub. L. 93-288, set out as a note under section 5121 of this title.

##### CONSTRUCTION OF 1988 AMENDMENTS

Section 107(b) of Pub. L. 100-707 provided that: "The amendment made by subsection (a) [amending title V of Pub. L. 93-288 generally by enacting new sections 501 to 503, classified to sections 5191 to 5193 of this title] shall not be construed as having any effect on title VIII of the Public Works and Economic Development Act of 1965 [section 3231 et seq. of this title] which was added to such Act by section 501 of the Disaster Relief Act of 1974 [Pub. L. 93-288] on May 22, 1974."

**§ 3232. Disaster recovery planning****(a) Recovery Planning Council; designation; membership**

(1) In the case of any area affected by a major disaster the Governor may request the President for assistance under this subchapter. The Governor, within thirty days after authorization of such assistance by the President, shall designate a Recovery Planning Council for such area or for each part thereof.

(2) Such Recovery Planning Council shall be composed of not less than five members, a majority of whom shall be local elected officials of political subdivisions within the affected areas, at least one representative of the State, and a representative of the Federal Government appointed by the President in accordance with paragraph (3) of this subsection. During the major disaster, the Federal coordinating officer shall also serve on the Recovery Planning Council.

(3) The Federal representative on such Recovery Planning Council may be the Chairman of the Federal Regional Council for the affected area, or a member of the Federal Regional Council designated by the Chairman of such Regional Council. The Federal representative on such Recovery Planning Council may be the Federal Co-chairman of the Regional Commission established pursuant to subchapter V<sup>1</sup> of this chapter, or the Appalachian Regional Development Act of 1965 [40 App. U.S.C. 1 et seq.] or his designee, where all of the area affected by a major disaster is within the boundaries of such Commission.

(4) The Governor may designate an existing multijurisdictional organization as the Recovery Planning Council where such organization complies with paragraph (2) of this subsection with the addition of State and Federal representatives except that if all or part of an area affected by a major disaster is within the jurisdiction of an existing multijurisdictional organization established under subchapter IV of this chapter or title III of the Appalachian Regional Development Act of 1965 [40 App. U.S.C. 301 et seq.], such organization, with the addition of State and Federal representatives in accordance with paragraph (2) of this subsection, shall be designated by the Governor as the Recovery Planning Council. In any case in which such title III or subchapter IV organization is designated as the Recovery Planning Council under this paragraph, some local elected officials of political subdivisions within the affected areas must be appointed to serve on such Recovery Planning Council. Where possible, the organization designated as the Recovery Planning Council shall be or shall be subsequently designated as the appropriate agency required by section 3334 of this title and by chapter 65 of title 31.

(5) The Recovery Planning Council shall include private citizens as members to the extent feasible, and shall provide for and encourage public participation in its deliberations and decisions.

**(b) Review and revision of plans**

The Recovery Planning Council (1) shall review existing plans for the affected area; and (2)

may recommend to the Governor and responsible local governments such revisions as it determines necessary for the economic recovery of the area, including the development of new plans and the preparation of a recovery investment plan for the 5-year period following the declaration of the major disaster. The Recovery Planning Council shall accept as one element of the recovery investment plans determinations made under section 5172(c) of this title.

**(c) Recovery investment plan; reserve funds**

(1) A recovery investment plan prepared by a Recovery Planning Council may recommend the revision, deletion, reprogramming, or additional approval of Federal-aid projects and programs within the area—

(A) for which application has been made but approval not yet granted;

(B) for which funds have been obligated or approval granted but construction not yet begun;

(C) for which funds have been or are scheduled to be apportioned within the five years after the declaration of the disaster;

(D) which may otherwise be available to the area under any State schedule or revised State schedule of priorities; or

(E) which may reasonably be anticipated as becoming available under existing programs.

(2) Upon the recommendation of the Recovery Planning Council and the request of the Governor, any funds for projects or programs identified pursuant to paragraph (1) of this subsection may, to any extent consistent with appropriation Acts, be placed in reserve by the responsible Federal agency for use in accordance with such recommendations. Upon the request of the Governor and with the concurrence of affected local governments, such funds may be transferred to the Recovery Planning Council to be expended in the implementation of the recovery investment plan, except that no such transfer may be made unless such expenditure is for a project or program for which such funds originally were made available by an appropriation Act.

(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.)

## REFERENCES IN TEXT

Subchapter V of this chapter, referred to in subsec. (a)(3), was repealed by Pub. L. 97-35, title XVIII, §1821(a)(8), Aug. 13, 1981, 95 Stat. 766.

The Appalachian Regional Development Act of 1965, referred to in subsec. (a)(3), (4), is Pub. L. 89-4, Mar. 9, 1965, 79 Stat. 5, as amended, which is set out in the Appendix to Title 40, Public Buildings, Property, and Works. Title III of that Act is classified to section 301 et seq. of the Appendix to Title 40. For complete classification of that Act to the Code, see Tables.

## CODIFICATION

In subsec. (a)(4), "chapter 65 of title 31" substituted for "the Intergovernmental Cooperation Act of 1968 (P.L. 90-577; 82 Stat. 1098) [42 U.S.C. 4201 et seq.]" on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

<sup>1</sup> See References in Text note below.

## AMENDMENTS

1988—Subsec. (b). Pub. L. 100-707 substituted “section 5172(c) of this title” for “section 5172(f) of this title”.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3233, 3235 of this title.

**§ 3233. Public works and development facilities grants and loans**

**(a) Funds for recovery investment plans**

The President is authorized to provide funds to any Recovery Planning Council for the implementation of a recovery investment plan by public bodies. Such funds may be used—

(1) to make loans for the acquisition or development of land and improvements for public works, public service, or development facility usage, including the acquisition or development of parks or open spaces, and the acquisition, construction, rehabilitation, alteration, expansion, or improvement of such facilities, including related machinery and equipment, and

(2) to make supplementary grants to increase the Federal share for projects for which funds are reserved pursuant to section 3232(c)(2) of this title, or other Federal-aid projects in the affected area.

**(b) Eligible entities for grants and loans**

Grants and loans under this section may be made to any State, local government, or private or public nonprofit organization representing any area or part thereof affected by a major disaster.

**(c) Federal share, increase by supplementary grants; limits**

No supplementary grant shall increase the Federal share of the cost of any project to greater than 90 per centum, except in the case of a grant for the benefit of Indians or Alaska Natives, or in the case of any State or local government which the President determines has exhausted its effective taxing and borrowing capacity.

**(d) Interest rate**

Loans under this section shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, less 1 per centum per annum.

**(e) Assistance resulting in relocation of establishments or divestiture of contractors prohibited**

Financial assistance under this subchapter shall not be extended to assist establishments relocating from one area to another or to assist subcontractors whose purpose is to divest, or whose economic success is dependent upon divesting, other contractors or subcontractors of contracts therefore customarily performed by them. Such limitations shall not be construed to prohibit assistance for the expansion of an existing business entity through the establishment of

a new branch, affiliate, or subsidiary of such entity if the Secretary of Commerce finds that the establishment of such branch, affiliate, or subsidiary will not result in an increase in unemployment of the area of original location or in any other area where such entity conducts business operations, unless the Secretary has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(Pub. L. 89-136, title VIII, § 803, as added Pub. L. 93-288, title V, § 501, May 22, 1974, 88 Stat. 161.)

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5154 of this title.

**§ 3234. Loan guarantees**

The President is authorized to provide funds to Recovery Planning Councils to guarantee loans made to private borrowers by private lending institutions (1) to aid in financing any project within an area affected by a major disaster for the purchase or development of land and facilities (including machinery and equipment) for industrial or commercial usage including the construction of new buildings, and rehabilitation of abandoned or unoccupied buildings, and the alteration, conversion, or enlargement of existing buildings; and (2) for working capital in connection with projects in areas assisted under paragraph (1), upon application of such institution and upon such terms and conditions as the President may prescribe. No such guarantee shall at any time exceed 90 per centum of the amount of the outstanding unpaid balance of such loan.

(Pub. L. 89-136, title VIII, § 804, as added Pub. L. 93-288, title V, § 501, May 22, 1974, 88 Stat. 162.)

**§ 3235. Technical assistance**

**(a) Projects for economic recovery**

In carrying out the purposes of this subchapter the President is authorized to provide technical assistance which would be useful in facilitating economic recovery in areas affected by major disasters. Such assistance shall include project planning and feasibility studies, management and operational assistance, and studies evaluating the needs of, and developing potentialities for, economic recovery of such areas. Such assistance may be provided by the President directly, through the payment of funds authorized for this subchapter to other departments or agencies of the Federal Government, through the employment of private individuals, partnerships, firms, corporations, or suitable institutions, under contracts entered into for such purposes, or through grants-in-aid to appropriate public or private nonprofit State, area, district, or local organizations.

**(b) Grants for Federal share of administrative expenses**

The President is authorized to make grants to defray not to exceed 75 per centum of the administrative expenses of Recovery Planning Councils designated pursuant to section 3232 of this

title. In determining the amount of the non-Federal share of such costs or expenses, the President shall give due consideration to all contributions both in cash and in kind, fairly evaluated, including but not limited to space, equipment, and services. Where practicable, grants-in-aid authorized under this subsection shall be used in conjunction with other available planning grants, to assure adequate and effective planning and economical use of funds.

(Pub. L. 89-136, title VIII, §805, as added Pub. L. 93-288, title V, §501, May 22, 1974, 88 Stat. 162.)

**§ 3236. Repealed. Pub. L. 97-35, title XVIII, § 1821(a)(10), Aug. 13, 1981, 95 Stat. 766**

Section, 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.

**SUBCHAPTER IX—SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE**

**SUBCHAPTER REFERRED TO IN OTHER SECTIONS**

This subchapter is referred to in sections 3153, 7274h of this title; title 40 App. section 214.

**§ 3241. Statement of purpose**

It is the purpose of this subchapter to provide special economic development and adjustment assistance programs to help State and local areas meet special needs arising from actual or threatened severe unemployment arising from economic dislocation, including unemployment arising from actions of the Federal Government and from compliance with environmental requirements which remove economic activities from a locality, and economic adjustment problems resulting from severe changes in economic conditions (including long-term economic deterioration), and to encourage cooperative intergovernmental action to prevent or solve economic adjustment problems. Nothing in this subchapter is intended to replace the efforts of the economic adjustment program of the Department of Defense.

(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.)

**AMENDMENTS**

1976—Pub. L. 94-487 inserted “(including long-term economic deterioration)” after “economic conditions”.

**§ 3242. “Eligible recipient” defined**

As used in this subchapter, the term “eligible recipient” means a redevelopment area or economic development district established under subchapter IV of this chapter, an Indian tribe, a State, a city or other political subdivision of a State, or a consortium of such political subdivisions.

(Pub. L. 89-136, title IX, §902, as added Pub. L. 93-423, §12, Sept. 27, 1974, 88 Stat. 1164.)

**§ 3243. Grants by Secretary**

**(a) Eligible recipients; execution of development plan; use; method of payment**

(1) The Secretary is authorized to make grants directly to any eligible recipient in an area (A)

which the Secretary has determined has experienced, or may reasonably be foreseen to be about to experience, a special need to meet an expected rise in unemployment, or other economic adjustment problems (including those caused by any action or decision of the Federal Government), or (B) which the Secretary determines has demonstrated long-term economic deterioration, to carry out or develop a plan which meets the requirements of subsection (b) of this section and which is approved by the Secretary to use such grants for any of the following: public facilities, public services, business development, planning, unemployment compensation (in accordance with subsection (d) of this section), rent supplements, mortgage payment assistance, research, technical assistance, training, relocation of individuals, and businesses, and other assistance which demonstrably furthers the economic adjustment objectives of this subchapter.

(2)(A) Such grants may be used in direct expenditures by the eligible recipient or through redistribution by it to public and private entities in grants, loans, loan guarantees, payments to reduce interest on loan guarantees, or other appropriate assistance, but no grant shall be made by an eligible recipient to a private profit-making entity.

(B) Grants for unemployment compensation shall be made to the State. Grants for any other purpose shall be made to any appropriate eligible recipient capable of carrying out such purpose.

**(b) Criteria for approval of plan**

No plan shall be approved by the Secretary under this section unless such plan shall—

(1) identify each economic development and adjustment need of the area for which assistance is sought under this subchapter;

(2) describe each activity planned to meet each such need;

(3) explain the details of the method of carrying out each such planned activity;

(4) contain assurances satisfactory to the Secretary that the proceeds from the repayment of loans made by the eligible recipient with funds granted under this subchapter will be used for economic adjustment; and

(5) be in such form and contain such additional information as the Secretary shall prescribe.

**(c) Coordination of activities with regional commissions, States, etc.**

The Secretary to the extent practicable shall coordinate his activities in requiring plans and making grants and loans under this subchapter with regional commissions, States, economic development districts and other appropriate planning and development organizations.

**(d) Transfer of funds; availability of assistance to qualified individuals; limitation of amounts; administration by State agencies**

In each case in which the Secretary determines a need for assistance under subsection (a) of this section due to an increase in unemployment and makes a grant under this section, the Secretary may transfer funds available for such grant to the Secretary of Labor and the Sec-

retary of Labor is authorized to provide to any individual unemployed as a result of the dislocation for which such grant is made, such assistance as he deems appropriate while the individual is unemployed. Such assistance as the Secretary of Labor may provide shall be available to an individual not otherwise disqualified under State law for unemployment compensation benefits, as long as the individual's unemployment caused by the dislocation continues or until the individual is reemployed in a suitable position, but no longer than one year after the unemployment commences. Such assistance for a week of unemployment shall not exceed the maximum weekly amount authorized under the unemployment compensation law of the State in which the dislocation occurred, and the amount of assistance under this subsection shall be reduced by any amount of unemployment compensation or of private income protection insurance compensation available to such individual for such week of unemployment. The Secretary of Labor is directed to provide such assistance through agreements with States which, in his judgment, have an adequate system for administering such assistance through existing State agencies.

(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.)

#### AMENDMENTS

1976—Subsec. (a)(1). Pub. L. 94-487, §121(a), (b), inserted "(A)" after "recipient in an area", "or (B) which the Secretary determines has demonstrated long-term economic deterioration" after "the Federal Government)", "and businesses" after "relocation of individuals", and substituted "and other assistance which demonstrably furthers the economic adjustment objectives of this subchapter" for "and other appropriate assistance" after "and businesses".

Subsec. (a)(2)(A). Pub. L. 94-487, §121(c), inserted "payments to reduce interest on loan guarantees" after "loan guarantees".

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3222 of this title.

### § 3244. Annual reports by recipient and Secretary

(a) Each eligible recipient which receives assistance under this subchapter shall annually during the period such assistance continues make a full and complete report to the Secretary, in such manner as the Secretary shall prescribe, and such report shall contain an evaluation of the effectiveness of the economic assistance provided under this subchapter in meeting the need it was designed to alleviate and the purposes of this subchapter.

(b) The Secretary shall include in the annual report pursuant to section 3217 of this title a consolidated report with his recommendations, if any, on the assistance authorized under this subchapter, in a form which he deems appropriate.

(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.)

#### AMENDMENTS

1980—Subsec. (b). Pub. L. 96-470 substituted "The Secretary shall include in the annual report pursuant to

section 3217 of this title a consolidated report" for "The Secretary shall provide an annual consolidated report to the Congress," and struck out provision that first such report to Congress under this subsection be made not later than Jan. 30, 1976.

### § 3245. Authorization of appropriations

There is authorized to be appropriated to carry out this subchapter not to exceed \$75,000,000 for the fiscal year ending June 30, 1975, and \$100,000,000 for the fiscal year ending June 30, 1976, not to exceed \$25,000,000 for the transition quarter ending September 30, 1976, and not to exceed \$100,000,000 per fiscal year for the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, September 30, 1980, and September 30, 1981, and not to exceed \$33,000,000 for the fiscal year ending September 30, 1982.

(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.)

#### AMENDMENTS

1981—Pub. L. 97-35 substituted authorization of \$33,000,000, for fiscal year ending Sept. 30, 1982, for authorization of \$100,000,000 for such year.

1980—Pub. L. 96-506 inserted provisions extending authorization for fiscal years ending Sept. 30, 1980, 1981, and 1982.

1976—Pub. L. 94-487 authorized appropriation of \$25,000,000 for interim period July 1, 1976, to Sept. 30, 1976, and \$100,000,000 per fiscal year for fiscal years ending Sept. 30, 1977, 1978, and 1979.

### SUBCHAPTER X—JOB OPPORTUNITIES PROGRAM

### §§ 3246 to 3246c. Omitted

#### CODIFICATION

Sections were omitted pursuant to section 3246g of this title, which provided that no further obligation of funds appropriated under this subchapter shall be made by the Secretary of Commerce after Sept. 30, 1981.

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 this subchapter.

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.

### § 3246d. Repealed. Pub. L. 94-487, title I, §125, Oct. 12, 1976, 90 Stat. 2338

Section, 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.

### §§ 3246e to 3246h. Omitted

#### CODIFICATION

Sections were omitted pursuant to section 3246g of this title, which provided that no further obligation of

funds appropriated under this subchapter shall be made by the Secretary of Commerce after Sept. 30, 1981.

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 this subchapter shall 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