## TITLE 42 - THE PUBLIC HEALTH AND WELFARE

### CHAPTER 38 - PUBLIC WORKS AND ECONOMIC DEVELOPMENT

<table>
<thead>
<tr>
<th>§</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3121</td>
<td>Findings and declarations</td>
<td>6</td>
</tr>
<tr>
<td>3122</td>
<td>Definitions</td>
<td>16</td>
</tr>
<tr>
<td>3123</td>
<td>Discrimination on basis of sex prohibited in federally assisted programs</td>
<td>18</td>
</tr>
</tbody>
</table>

### SUBCHAPTER I - ECONOMIC DEVELOPMENT PARTNERSHIPS COOPERATION AND COORDINATION

<table>
<thead>
<tr>
<th>§</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3131</td>
<td>Establishment of economic development partnerships</td>
<td>19</td>
</tr>
<tr>
<td>3132</td>
<td>Cooperation of Federal agencies</td>
<td>20</td>
</tr>
<tr>
<td>3133</td>
<td>Coordination</td>
<td>20</td>
</tr>
</tbody>
</table>

### SUBCHAPTER II - GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

<table>
<thead>
<tr>
<th>§</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3141</td>
<td>Grants for public works and economic development</td>
<td>22</td>
</tr>
<tr>
<td>3142</td>
<td>Base closings and realignments</td>
<td>22</td>
</tr>
<tr>
<td>3143</td>
<td>Grants for planning and grants for administrative expenses</td>
<td>23</td>
</tr>
<tr>
<td>3144</td>
<td>Cost sharing</td>
<td>24</td>
</tr>
<tr>
<td>3145</td>
<td>Supplementary grants</td>
<td>25</td>
</tr>
<tr>
<td>3146</td>
<td>Regulations on relative needs and allocations</td>
<td>26</td>
</tr>
<tr>
<td>3147</td>
<td>Grants for training, research, and technical assistance</td>
<td>27</td>
</tr>
<tr>
<td>3149</td>
<td>Grants for economic adjustment</td>
<td>28</td>
</tr>
<tr>
<td>3150</td>
<td>Changed project circumstances</td>
<td>30</td>
</tr>
<tr>
<td>3151</td>
<td>Use of funds in projects constructed under projected cost</td>
<td>30</td>
</tr>
<tr>
<td>3152</td>
<td>Reports by recipients</td>
<td>31</td>
</tr>
<tr>
<td>3153</td>
<td>Prohibition on use of funds for attorney’s and consultant’s fees</td>
<td>32</td>
</tr>
<tr>
<td>3154</td>
<td>Special impact areas</td>
<td>32</td>
</tr>
<tr>
<td>3154a</td>
<td>Performance awards</td>
<td>33</td>
</tr>
<tr>
<td>3154b</td>
<td>Planning performance awards</td>
<td>34</td>
</tr>
<tr>
<td>3154c</td>
<td>Direct expenditure or redistribution by recipient</td>
<td>35</td>
</tr>
<tr>
<td>3154d</td>
<td>Brightfields demonstration program</td>
<td>35</td>
</tr>
</tbody>
</table>

### SUBCHAPTER III - ELIGIBILITY; COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

<table>
<thead>
<tr>
<th>§</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3161</td>
<td>Eligibility of areas</td>
<td>36</td>
</tr>
<tr>
<td>3162</td>
<td>Comprehensive economic development strategies</td>
<td>37</td>
</tr>
</tbody>
</table>

### SUBCHAPTER IV - ECONOMIC DEVELOPMENT DISTRICTS

<table>
<thead>
<tr>
<th>§</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3171</td>
<td>Designation of economic development districts</td>
<td>39</td>
</tr>
<tr>
<td>3172</td>
<td>Termination or modification of economic development districts</td>
<td>39</td>
</tr>
<tr>
<td>3174</td>
<td>Provision of comprehensive economic development strategies to Regional Commissions</td>
<td>40</td>
</tr>
<tr>
<td>3175</td>
<td>Assistance to parts of economic development districts not in eligible areas</td>
<td>40</td>
</tr>
</tbody>
</table>

### SUBCHAPTER V - ADMINISTRATION

<table>
<thead>
<tr>
<th>§</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3191</td>
<td>Assistant Secretary for Economic Development</td>
<td>42</td>
</tr>
<tr>
<td>3192</td>
<td>Economic development information clearinghouse</td>
<td>42</td>
</tr>
<tr>
<td>3193</td>
<td>Consultation with other persons and agencies</td>
<td>43</td>
</tr>
<tr>
<td>3194</td>
<td>Administration, operation, and maintenance</td>
<td>43</td>
</tr>
<tr>
<td>3196</td>
<td>Performance evaluations of grant recipients</td>
<td>44</td>
</tr>
<tr>
<td>3197</td>
<td>Notification of reorganization</td>
<td>45</td>
</tr>
</tbody>
</table>

### SUBCHAPTER VI - MISCELLANEOUS

<table>
<thead>
<tr>
<th>§</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3196</td>
<td></td>
<td>46</td>
</tr>
</tbody>
</table>
§ 3211. Powers of Secretary 46
§ 3212. Maintenance of standards 48
§ 3213. Annual report to Congress 49
§ 3214. Delegation of functions and transfer of funds among Federal agencies 49
§ 3215. Penalties 50
§ 3216. Employment of expediters and administrative employees 51
§ 3217. Maintenance and public inspection of list of approved applications for financial assistance 51
§ 3218. Records and audits 52
§ 3219. Relationship to assistance under other law 52
§ 3220. Acceptance of certifications by applicants 53
§ 3221. Brownfields redevelopment report 53
§ 3222. Savings clause 54

SUBCHAPTER VII - FUNDING 55
§ 3231. General authorization of appropriations 55
§ 3232. Authorization of appropriations for defense conversion activities 55
§ 3233. Authorization of appropriations for disaster economic recovery activities 56
§ 3234. Funding for grants for planning and grants for administrative expenses 56
TITLE 42—THE PUBLIC HEALTH AND WELFARE

1. The Public Health Service [Mostly Repealed or Omitted, See Chapter 6A] ...1
1A. The Public Health Service; Supplemental Provisions [Transferred or Omitted] ...71
2. Sanitation and Quarantine ...81
3. Leprosy [Repealed] ...121
3A. Cancer [Repealed] ...137
4. Viruses, Serums, Toxins, Antitoxins, etc. [Repealed] ...141
5. Maternity and Infancy Welfare and Hygiene [Repealed] ...161
6. The Children’s Bureau ...191
6A. Public Health Service ...201
7. Social Security ...301
7A. Temporary Unemployment Compensation Program [Omitted] ...1400
8. Low-Income Housing ...1401
8A. Slum Clearance, Urban Renewal, and Farm Housing ...1441
8B. Public Works or Facilities [Omitted] ...1491
8C. Open-Space Land [Omitted or Repealed] ...1500
9. Housing of Persons Engaged in National Defense ...1501
10. Federal Security Agency [Transferred or Omitted] ...1601
11. Compensation for Disability or Death to Persons Employed at Military, Air, and Naval Bases Outside United States ...1651
12. Compensation for Injury, Death, or Detention of Employees of Contractors with United States Outside United States ...1701
13. School Lunch Programs ...1751
13A. Child Nutrition ...1771
14. Development and Control of Atomic Energy [Transferred to Chapter 23] ...1801
15. Disaster Relief [Repealed] ...1851
15A. Reciprocal Fire Protection Agreements ...1856
15B. Air Pollution Control [Transferred or Repealed] ...1857
16. National Science Foundation ...1861
16A. Grants for Support of Scientific Research [Repealed] ...1891
16B. Contracts for Scientific and Technological Research ...1900
17. Federal Employment Service [Transferred] ...1901
18. Youth Medals ...1921
19. Saline and Salt Waters [Repealed, Omitted, or Transferred] ...1951
19A. Water Resources Research Program [Repealed] ...1961
19B. Water Resources Planning ...1962
20. Elective Franchise ...1971
20A. Civil Rights Commission ...1975
21. Civil Rights ...1981
21A. Privacy Protection ...2000aa
21B. Religious Freedom Restoration ...2000bb
21C. Protection of Religious Exercise in Land Use and by Institutionalized Persons ...2000cc
21D. Detainee Treatment ...2000dd
21E. Privacy and Civil Liberties Protection and Oversight ...2000ee
21F. Prohibiting Employment Discrimination on the Basis of Genetic Information ...2000ff
22. Indian Hospitals and Health Facilities ...2001
23. Development and Control of Atomic Energy ...2011
24. Disposal of Atomic Energy Communities ...2301
25. Federal Flood Insurance ...2401
26. National Space Program [Repealed, Omitted, or Transferred] ...2451
26A. National Space Grant College and Fellowship Program [Repealed or Transferred] ...2486
26B. Biomedical Research in Space [Repealed or Transferred] ...2487
27. Loan Service of Captioned Films and Educational Media for Handicapped ...2491
28. Area Redevelopment Program [Omitted or Repealed] ...2501
29. Juvenile Delinquency and Youth Offenses Control [Omitted] ...2541
30. Manpower Development and Training Program [Repealed] ...2571
31. Public Works Acceleration Program ...2641
32. Third Party Liability for Hospital and Medical Care ...2651
33. Community Mental Health Centers [Omitted, Transferred, or Repealed] ...2661
34. Economic Opportunity Program ...2701
35. Programs for Older Americans ...3001
35A. Community Service Employment for Older Americans [Repealed] ...3061
36. Compensation of Condemnees in Development Programs [Repealed] ...3071
37. Community Facilities and Advance Land Acquisition ...3101
38. Public Works and Economic Development ...3121
39. Solid Waste Disposal [Omitted or Repealed, See Chapter 82] ...3251
40. Soil Information Assistance for Community Planning and Resource Development ...3271
41. Demonstration Cities and Metropolitan Development Program ...3301
42. Narcotic Addict Rehabilitation ...3401
43. Department of Health and Human Services ...3501
44. Department of Housing and Urban Development ...3531
45. Fair Housing ...3601
46. Justice System Improvement ...3701
47. Juvenile Delinquency Prevention and Control [Omitted or Repealed] ...3801
48. Guarantees for Financing New Community Land Development [Repealed or Omitted] ...3901
49. National Housing Partnerships ...3931
50. National Flood Insurance ...4001
51. Design and Construction of Public Buildings To Accommodate Physically Handicapped ...4151
52. Intergovernmental Cooperation [Repealed, See Chapter 65 of Title 31] ...4201
52A. Joint Funding Simplification [Repealed] ...4251
53. Advisory Commission on Intergovernmental Relations ...4271
54. Cabinet Committee on Opportunities for Spanish-Speaking People [Omitted] ...4301
55. National Environmental Policy ...4321
56. Environmental Quality Improvement ...4371
57. Environmental Pollution Study ...4391
58. Disaster Relief [Repealed or Transferred] ...4401
59. National Urban Policy and New Community Development ...4501
60. Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Program ...4541
61. Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs ...4601
62. Intergovernmental Personnel Program ...4701
63. Lead-Based Paint Poisoning Prevention ...4801
63A. Residential Lead-Based Paint Hazard Reduction ...4851
64. Public Service Employment Programs [Omitted] ...4871
65. Noise Control ...4901
66. Domestic Volunteer Services ...4950
67. Child Abuse Prevention and Treatment and Adoption Reform ...5101
68. Disaster Relief ...5121
69. Community Development ...5301
70. Manufactured Home Construction and Safety Standards ...5401
71. Solar Energy ...5501
72. Juvenile Justice and Delinquency Prevention ...5601
73. Development of Energy Sources ...5801
74. Nonnuclear Energy Research and Development ...5901
75. Programs for Individuals With Developmental Disabilities [Repealed] ...6000
76. Age Discrimination in Federally Assisted Programs ...6101
77. Energy Conservation ...6201
78. National Petroleum Reserve in Alaska ...6501
79. Science and Technology Policy, Organization and Priorities ...6601
80. Public Works Employment ...6701
81. Energy Conservation and Resource Renewal ...6801
82. Solid Waste Disposal ...6901
83. Energy Extension Service ...7001
84. Department of Energy ...7101
85. Air Pollution Prevention and Control ...7401
86. Earthquake Hazards Reduction ...7701
87. Water Research and Development [Repealed or Transferred] ...7801
88. Uranium Mill Tailings Radiation Control ...7901
89. Congregate Housing Services ...8001
90. Neighborhood and City Reinvestment, Self-Help and Revitalization ...8101
91. National Energy Conservation Policy ...8201
92. Powerplant and Industrial Fuel Use ...8301
93. Emergency Energy Conservation ...8501
94. Low-Income Energy Assistance ...8601
95. United States Synthetic Fuels Corporation [Omitted] ...8701
96. Biomass Energy and Alcohol Fuels ...8801
97. Acid Precipitation Program and Carbon Dioxide Study ...8901
98. Ocean Thermal Energy Conversion Research and Development ...9001
99. Ocean Thermal Energy Conversion ...9101
100. Wind Energy Systems ...9201
101. Magnetic Fusion Energy Engineering ...9301
102. Mental Health Systems ...9401
103. Comprehensive Environmental Response, Compensation, and Liability ...9601
104. Nuclear Safety Research, Development, and Demonstration ...9701
105. Community Services Programs ...9801
106. Community Services Block Grant Program ...9901
107. Consumer-Patient Radiation Health and Safety ...10001
108. Nuclear Waste Policy ...10101
109. Water Resources Research ...10301
109A. Membrane Processes Research ...10341
109B. Secure Water ...10361
110. Family Violence Prevention and Services ...10401
111. Emergency Federal Law Enforcement Assistance ...10501
112. Victim Compensation and Assistance ...10601
113. State Justice Institute ...10701
114. Protection and Advocacy for Individuals With Mental Illness ...10801
115. Child Development Associate Scholarship Assistance Program ...10901
116. Emergency Planning and Community Right-To-Know ...11001
117. Encouraging Good Faith Professional Review Activities ...11101
118. Alzheimer’s Disease and Related Dementias Research ...11201
119. Homeless Assistance ...11301
120. Enterprise Zone Development ...11501
121. International Child Abduction Remedies ...11601
122. Native Hawaiian Health Care ...11701
123. Drug Abuse Education and Prevention ...11801
124. Public Housing Drug Elimination ...11901
125. Renewable Energy and Energy Efficiency Technology Competitiveness ...12001
126. Equal Opportunity for Individuals With Disabilities ...12101
127. Coordinated Services for Children, Youth, and Families ...12301
128. Hydrogen Research, Development, and Demonstration Program ...12401
129. National and Community Service ...12501
130. National Affordable Housing ...12701
131. Housing Opportunities for Persons With AIDS ...12901
132. Victims of Child Abuse ...13001
133. Pollution Prevention ...13101
134. Energy Policy ...13201
135. Residency and Service Requirements in Federally Assisted Housing ...13601
136. Violent Crime Control and Law Enforcement ...13701
137. Management of Rechargeable Batteries and Batteries Containing Mercury ...14301
138. Assisted Suicide Funding Restriction ...14401
139. Volunteer Protection ...14501
140. Criminal Justice Identification, Information, and Communication ...14601
140A. Jennifer’s Law ...14661
141. Commercial Space Opportunities and Transportation Services [Repealed or Transferred] ...14701
142. Poison Control Center Enhancement and Awareness [Repealed] ...14801
143. Intercountry Adoptions ...14901
144. Developmental Disabilities Assistance and Bill of Rights ...15001
145. Public Safety Officer Medal of Valor and Tributes ...15201
145A. Law Enforcement Congressional Badge of Bravery ...15231
146. Election Administration Improvement ...15301
147. Prison Rape Elimination ...15601
148. Windstorm Impact Reduction ...15701
149. National Energy Policy and Programs ...15801
150. National Aeronautics and Space Programs, 2005 [Repealed, Omitted, or Transferred] ...16601
151. Child Protection and Safety ...16901
152. Energy Independence and Security ...17001
153. Community Safety Through Recidivism Prevention ...17501
154. Combating Child Exploitation ...17601
155. Aeronautics and Space Activities [Repealed, Omitted, or Transferred] ...17701
156. Health Information Technology ...17901
157. Quality, Affordable Health Care for All Americans ...18001
158. Support for Pregnant and Parenting Teens and Women ...18201
159. Space Exploration, Technology, and Science ...18301
CHAPTER 38—PUBLIC WORKS AND ECONOMIC DEVELOPMENT

Sec.
3121. Findings and declarations.
3122. Definitions.
3123. Discrimination on basis of sex prohibited in federally assisted programs.

SUBCHAPTER I—ECONOMIC DEVELOPMENT PARTNERSHIPS COOPERATION AND COORDINATION
3131. Establishment of economic development partnerships.
3132. Cooperation of Federal agencies.
3133. Coordination.

SUBCHAPTER II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT
3141. Grants for public works and economic development.
3142. Base closings and realignments.
3143. Grants for planning and grants for administrative expenses.
3144. Cost sharing.
3145. Supplementary grants.
3146. Regulations on relative needs and allocations.
3147. Grants for training, research, and technical assistance.
3148. Repealed.
3149. Grants for economic adjustment.
3150. Changed project circumstances.
3151. Use of funds in projects constructed under projected cost.
3152. Reports by recipients.
3153. Prohibition on use of funds for attorney’s and consultant’s fees.
3154. Special impact areas.
3154a. Performance awards.
3154b. Planning performance awards.
3154c. Direct expenditure or redistribution by recipient.
3154d. Brightfields demonstration program.

SUBCHAPTER III—ELIGIBILITY; COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES
3161. Eligibility of areas.
3162. Comprehensive economic development strategies.

SUBCHAPTER IV—ECONOMIC DEVELOPMENT DISTRICTS
3171. Designation of economic development districts.
3172. Termination or modification of economic development districts.
3173. Repealed.
3174. Provision of comprehensive economic development strategies to Regional Commissions.
3175. Assistance to parts of economic development districts not in eligible areas.

SUBCHAPTER V—ADMINISTRATION
3191. Assistant Secretary for Economic Development.
3192. Economic development information clearinghouse.
3193. Consultation with other persons and agencies.
3194. Administration, operation, and maintenance.
3195. Repealed.
3196. Performance evaluations of grant recipients.
3197. Notification of reorganization.

SUBCHAPTER VI—MISCELLANEOUS
3211. Powers of Secretary.
3212. Maintenance of standards.
§ 3121. Findings and declarations

(a) Findings

Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

of this title, enacting provisions set out as notes under this section, and amending provisions set out as a note under section 3162 of this title] may be cited as the ‘Public Works and Economic Development Act Amendments of 1976’.”

Short Title of 1975 Amendments

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

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

Short Title of 1974 Amendment

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

Short Title of 1971 Amendment


Short Title of 1969 Amendment


Short Title


Transition Provisions


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

“(b) Continuation of Suits.—No action or other proceeding commenced by or against any officer or employee of the Economic Development Administration shall abate by reason of the enactment of this title.

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

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

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

“(3) the Trade Act of 1974 (19 U.S.C. 2101 et seq.).
“(d) Administration.—The Secretary of Commerce shall take such actions authorized before the effective date of this title as are appropriate to administer and liquidate grants, contracts, agreements, loans, obligations, debentures, or guarantees made by the Secretary under law in effect before the effective date of this title.”

**Denali Commission**


“SEC. 301. SHORT TITLE.

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

SEC. 302. PURPOSES.

The purposes of this title are as follows:

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

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

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

SEC. 303. ESTABLISHMENT OF COMMISSION.

“(a) Establishment.—There is established a commission to be known as the Denali Commission (referred to in this title as the ‘Commission’).

“(b) Membership.—

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

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

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

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

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

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

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

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

“(2) Federal cochairperson.—

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

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

“(C) Federal cochairperson vote.—The Federal Cochairperson appointed under this paragraph shall break any tie in the voting of the Commission.

“(4) Date.—The appointments of the members of the Commission shall be made no later than January 1, 1999.
“(c) Period of Appointment; Vacancies.—The Federal Cochairperson shall serve for a term of four years and may be reappointed. All other members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

“(d) Meetings.—

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

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

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

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

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

“SEC. 304. DUTIES OF THE COMMISSION.

“(a) Work Plan.—

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

“(2) Work plan.—In developing the work plan, the Commission shall—

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

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

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

“(b) Review by Federal Cochairperson.—

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

“(2) Criteria for review.—In conducting a review under paragraph (1), the Secretary, acting through the Federal Cochairperson, shall—

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

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

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

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

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

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

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

“(4) Review of disapproval or partial approval.—If the Secretary, acting through the Federal Cochairperson, disapproves or partially approves a work plan, the Federal Cochairperson shall submit that work plan to the Commission for review and revision.

“SEC. 305. POWERS OF THE COMMISSION.

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

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

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

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

“SEC. 306. COMMISSION PERSONNEL MATTERS.

“(a) Compensation of Members.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during the time such member is engaged in the performance of the duties of the Commission. The Federal Cochairperson shall be compensated at the annual rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code. All members of the Commission who are officers or employees of the United States shall serve without compensation that is in addition to that received for their services as officials or employees of the United States.

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

“(c) Staff.—

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

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

“(d) Detail of Government Employees.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

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

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

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


“SEC. 307. SPECIAL FUNCTIONS.

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

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

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

“(2) State law.

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

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

“(e) Docks, Waterfront Transportation Development, and Related Infrastructure Projects.—The Secretary of
Transportation is authorized to make direct lump sum payments to the Commission to construct docks, waterfront
development projects, and related transportation infrastructure, provided the local community provides a ten percent
non-Federal match in the form of any necessary land or planning and design funds. To carry out this section, there is
authorized to be appropriated such sums as may be necessary.

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


“SEC. 309. DENALI ACCESS SYSTEM PROGRAM.

“(a) Establishment of the Denali Access System Program.—Not later than 3 months after the date of enactment of the
SAFETEA–LU [Aug. 10, 2005], the Secretary of Transportation shall establish a program to pay the costs of planning,
designing, engineering, and constructing road and other surface transportation infrastructure identified for the Denali
access system program under this section.

“(b) Denali Access System Program Advisory Committee.—

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

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

“(A) The chairman of the Denali Commission.

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

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

“(3) Terms.—

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

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

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

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


“(B) Advising the Commission on considerations for coordinated transportation planning among the Alaska Native villages, Alaska rural villages, the State of Alaska, and other government entities.

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

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

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

“(c) Allocation of Funds.—

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

“(2) Distribution of funding.—In distributing funds for surface transportation projects funded under the program, the Commission shall consult the list of transportation priorities developed by the advisory committee.

“(d) Preference to Alaska Materials and Products.—To construct a project under this section, the Commission shall encourage, to the maximum extent practicable, the use of employees and businesses that are residents of Alaska.

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

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

“(g) Lead Agency Designation.—For purposes of projects carried out under this section, the Commission shall be designated as the lead agency for purposes of accepting Federal funds and for purposes of carrying out this project.

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

“(i) Surface Transportation Program Transferability.—

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

“(2) No effect on set-aside.—Paragraph (2) of section 133 (d) [of title 23], United States Code, shall not apply to funds transferred under paragraph (1).

“(j) Authorization of Appropriations.—

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

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

“SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

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

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

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

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

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

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

“(1) Department of Commerce, Economic Development Administration,
“(2) Department of Housing and Urban Development,
“(3) Department of the Interior, Bureau of Indian Affairs,
“(4) Department of Agriculture, Rural Development Administration, and
“(5) Small Business Administration.”

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

**Lower Mississippi Delta Development Commission**


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


**Public Works Improvement**


**White House Conference on Balanced National Growth and Economic Development**


**Executive Order No. 11386**


**Executive Order No. 11422**


**Executive Order No. 11493**


**Ex. Ord. No. 13122. Interagency Task Force on the Economic Development of the Southwest Border**


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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 4. (a) “Agency” means an executive agency as defined in 5 U.S.C. 105.

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

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

§ 3122. Definitions

In this chapter:

(1) **Comprehensive economic development strategy**

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

(2) **Department**

The term “Department” means the Department of Commerce.

(3) **Economic development district**

(A) **In general**

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

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

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

(B) **Inclusion**

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

(4) **Eligible recipient**

(A) **In general**

The term “eligible recipient” means—

(i) an economic development district;
(ii) an Indian tribe;
(iii) a State;
(iv) a city or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions;
(v) an institution of higher education or a consortium of institutions of higher education; or
(vi) a public or private nonprofit organization or association acting in cooperation with officials of a political subdivision of a State.

(B) Training, research, and technical assistance grants

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

(5) Federal agency

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

(6) Grant

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

(7) Indian tribe

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

(8) Regional Commissions

The term “Regional Commissions” means—

(A) the Appalachian Regional Commission established under chapter 143 of title 40;
(B) the Delta Regional Authority established under subtitle F of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa et seq.);
(C) the Denali Commission established under the Denali Commission Act of 1998 (42 U.S.C. 3121 note; 112 Stat. 2681–637 et seq.); and
(D) the Northern Great Plains Regional Authority established under subtitle G of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb et seq.).

(9) Secretary

The term “Secretary” means the Secretary of Commerce.

(10) State

The term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(11) United States

The term “United States” means all of the States.

(12) University center

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

§ 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.].


References in Text


Codification

Section was not enacted as part of the Public Works and Economic Development Act of 1965 which comprises this chapter.
SUBCHAPTER I—ECONOMIC DEVELOPMENT PARTNERSHIPS COOPERATION AND COORDINATION

§ 3131. Establishment of economic development partnerships

(a) In general

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

(b) Technical assistance

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

(1) alleviate economic distress;

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

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

(c) Intergovernmental review

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

(d) Cooperation agreements

(1) In general

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

(2) Participation

Each cooperation agreement shall provide for suitable participation by other governmental and nongovernmental entities that are representative of significant interests in and perspectives on economic development in an area.


Prior Provisions


Amendments


§ 3132. Cooperation of Federal agencies

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


Prior Provisions


§ 3133. Coordination

(a) In general

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

(b) Meetings

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


Prior Provisions


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


Amendments

§ 3141. Grants for public works and economic development

(a) In general
On the application of an eligible recipient, the Secretary may make grants for—

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

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

(b) Criteria for grant
The Secretary may make a grant under this section only if the Secretary determines that—

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

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

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

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

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

(3) the area for which the project is to be carried out has a comprehensive economic development strategy and the project is consistent with the strategy.

(c) Maximum assistance for each State
Not more than 15 percent of the amounts made available to carry out this section may be expended in any 1 State.


§ 3142. Base closings and realignments

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

§ 3143. Grants for planning and grants for administrative expenses

(a) In general

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

(b) Planning process

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

(1) analyzing local economies;
(2) defining economic development goals;
(3) determining project opportunities; and
(4) formulating and implementing an economic development program that includes systematic efforts to reduce unemployment and increase incomes.

(c) Use of planning assistance

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

(d) State plans

(1) Development

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

(2) Comprehensive economic development strategy

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

(3) Coordination

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

(4) Comprehensive planning process

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

(A) promote economic development and opportunity;
(B) foster effective transportation access;
(C) enhance and protect the environment;
(D) assist in carrying out the workforce investment strategy of a State;
(E) promote the use of technology in economic development, including access to high-speed telecommunications; and
(F) balance resources through the sound management of physical development.

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


Prior Provisions

Amendments
Subsec. (d)(3). Pub. L. 108–373, § 201(2), added par. (3) and struck out heading and text of former par. (3). Text read as follows: “On completion of a State plan developed with assistance under this section, the State shall—
“(A) certify to the Secretary that, in the development of the State plan, local and economic development district plans were considered and, to the maximum extent practicable, the State plan is consistent with the local and economic development district plans; and
“(B) identify any inconsistencies between the State plan and the local and economic development district plans and provide a justification for each inconsistency.”
Subsec. (d)(4)(D) to (F). Pub. L. 108–373, § 201(3), added subpars. (D) and (E) and redesignated former subpar. (D) as (F).

§ 3144. Cost sharing

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

(1) 50 percent; plus
(2) an additional percent that—
(A) shall not exceed 30 percent; and
(B) is based on the relative needs of the area in which the project will be located, as determined in accordance with regulations promulgated by the Secretary.

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

(c) Increase in Federal share
(1) Indian tribes
In the case of a grant to an Indian tribe for a project under this subchapter, the Secretary may increase the Federal share above the percentage specified in subsection (a) of this section up to 100 percent of the cost of the project.
(2) Certain States, political subdivisions, and nonprofit organizations
In the case of a grant to a State, or a political subdivision of a State, that the Secretary determines has exhausted the effective taxing and borrowing capacity of the State or political subdivision, or in the case of a grant to a nonprofit organization that the Secretary determines has exhausted the effective borrowing capacity of the nonprofit organization, the Secretary may increase the Federal share above the percentage specified in subsection (a) of this section up to 100 percent of the cost of the project.

(3) **Training, research, and technical assistance**

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


**Prior Provisions**


**Amendments**

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


..................................

§ 3145. **Supplementary grants**

(a) **Definition of designated Federal grant program**

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

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

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

(3) assists projects that are—

(A) eligible for assistance under this subchapter; and

(B) consistent with a comprehensive economic development strategy.

(b) **Supplementary grants**

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

(c) **Requirements applicable to supplementary grants**

(1) **Amount of supplementary grants**

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

(2) **Form of supplementary grants**
The Secretary shall make supplementary grants by—

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

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

(3) Federal share limitations specified in other laws

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


Amendments

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

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

“(2) Purposes of grants.—Supplementary grants under paragraph (1) may be made for purposes that shall include enabling eligible recipients to use—

“(A) designated Federal grant programs; and

“(B) direct grants authorized under this subchapter.”

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

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

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

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

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

“(B) Certain States, political subdivisions, and nonprofit organizations.—In the case of a grant to a State, or a political subdivision of a State, that the Secretary determines has exhausted its effective taxing and borrowing capacity, or in the case of a grant to a nonprofit organization that the Secretary determines has exhausted its effective borrowing capacity, the Secretary may reduce the non-Federal share below the percentage specified in paragraph (1).”

§ 3146. Regulations on relative needs and allocations

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

(1) the relative needs of eligible areas are given adequate consideration by the Secretary, as determined based on, among other relevant factors—
(A) the severity of the rates of unemployment in the eligible areas and the duration of the
unemployment;
(B) the income levels and the extent of underemployment in eligible areas; and
(C) the outmigration of population from eligible areas and the extent to which the outmigration
is causing economic injury in the eligible areas;
(2) allocations of assistance under this subchapter are prioritized to ensure that the level of economic
distress of an area, rather than a preference for a geographic area or a specific type of economic distress,
is the primary factor in allocating the assistance;
(3) (A) rural and urban economically distressed areas are not harmed by the establishment or
implementation by the Secretary of a private sector leveraging goal for a project under this
subchapter;
(B) any private sector leveraging goal established by the Secretary does not prohibit or discourage
grant applicants under this subchapter from public works in, or economic development of, rural
or urban economically distressed areas; and
(C) the relevant Committees of Congress are notified prior to making any changes to any private
sector leveraging goal; and
(4) grants made under this subchapter promote job creation and will have a high probability of meeting
or exceeding applicable performance requirements established in connection with the grants.


Amendments

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

(a) In general
(1) Grants
On the application of an eligible recipient, the Secretary may make grants for training, research,
and technical assistance, including grants for program evaluation and economic impact analyses,
that would be useful in alleviating or preventing conditions of excessive unemployment or
underemployment.
(2) Types of assistance
Grants under paragraph (1) may be used for—
(A) project planning and feasibility studies;
(B) demonstrations of innovative activities or strategic economic development investments;
(C) management and operational assistance;
(D) establishment of university centers;
(E) establishment of business outreach centers;
(F) studies evaluating the needs of, and development potential for, economic growth of areas
that the Secretary determines have substantial need for the assistance;
(G) studies that evaluate the effectiveness of coordinating projects funded under this chapter
with projects funded under other Acts;
(H) assessment, marketing, and establishment of business clusters; and
(I) other activities determined by the Secretary to be appropriate.
(3) Cooperation requirement
In the case of a project assisted under this section that is national or regional in scope, the Secretary may waive the provision in section 3122 (4)(A)(vi) of this title requiring a nonprofit organization or association to act in cooperation with officials of a political subdivision of a State.

(b) *Methods of provision of assistance*

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

1. provide research and technical assistance through officers or employees of the Department;
2. pay funds made available to carry out this section to Federal agencies; or
3. employ private individuals, partnerships, businesses, corporations, or appropriate institutions under contracts entered into for that purpose.


Amendments

2004—Subsec. (a)(2)(G) to (I). Pub. L. 108–373, § 205(a), added subpars. (G) and (H) and redesignated former subpar. (G) as (I).
Subsec. (a)(3). Pub. L. 108–373, § 205(b), added par. (3) and struck out heading and text of former par. (3). Text read as follows: “In the case of a project assisted under this section, the Secretary may reduce or waive the non-Federal share, without regard to section 3144 or 3145 of this title, if the Secretary finds that the project is not feasible without, and merits, such a reduction or waiver.”


§ 3149. Grants for economic adjustment

(a) *In general*

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

(b) *Criteria for assistance*

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

1. the project will help the area to meet a special need arising from—
   A. actual or threatened severe unemployment; or
   B. economic adjustment problems resulting from severe changes in economic conditions; and
2. the area for which a project is to be carried out has a comprehensive economic development strategy and the project is consistent with the strategy, except that this paragraph shall not apply to planning projects.

(c) *Particular community assistance*

Assistance under this section may include assistance provided for activities identified by communities, the economies of which are injured by—
(1) military base closures or realignments, defense contractor reductions in force, or Department
of Energy defense-related funding reductions, for help in diversifying their economies through
projects to be carried out on Federal Government installations or elsewhere in the communities;
(2) disasters or emergencies, in areas with respect to which a major disaster or emergency has
been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42
U.S.C. 5121 et seq.), for post-disaster economic recovery;
(3) international trade, for help in economic restructuring of the communities;
(4) fishery failures, in areas with respect to which a determination that there is a commercial
fishery failure has been made under section 1861a (a) of title 16; or
(5) the loss of manufacturing jobs, for reinvesting in and diversifying the economies of the
communities.

(d) Special provisions relating to revolving loan fund grants

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

(2) Efficient administration
The Secretary may—

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

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

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

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

(4) Preservation of securities laws

(A) Not treated as exempted securities
No securities issued pursuant to paragraph (2)(C) shall be treated as exempted securities for
purposes of the Securities Act of 1933 (15 U.S.C. 77a et seq.) or the Securities Exchange Act
of 1934 (15 U.S.C. 78a et seq.), unless exempted by rule or regulation of the Securities and
Exchange Commission.

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

§ 3150. Changed project circumstances

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

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

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


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

(a) In general

In the case of a grant to a recipient for a construction project under section 3141 or 3149 of this title, if the Secretary determines, before closeout of the project, that the cost of the project, based on the designs and specifications that were the basis of the grant, has decreased because of decreases in costs, the Secretary may approve, without further appropriation, the use of the excess funds (or a portion of the excess funds) by the recipient—
§ 3152. Reports by recipients

(a) **In general**

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

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


Prior Provisions

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

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


Prior Provisions

§ 3154. Special impact areas

(a) In general

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

(b) Conditions

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

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

(2) the project will—

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

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

(c) Notification

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


§ 3154a. Performance awards

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

(b) Performance measures

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

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

(A) whether the recipient meets or exceeds scheduling goals;
(B) whether the recipient meets or exceeds job creation goals;
(C) amounts of private sector capital investments leveraged; and
(D) such other factors as the Secretary determines to be appropriate.

(c) Amount of awards

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

(2) Maximum amount
The amount of a performance award may not exceed 10 percent of the amount of the grant.

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

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

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

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

(h) Funding
The Secretary shall use any amounts made available for economic development assistance programs to carry out this section.
(i) Reporting requirement

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

(j) Review by Comptroller General

(1) Review

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

(2) Report

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


§ 3154b. Planning performance awards

(a) In general

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

(b) Eligibility

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

(1) the recipient actively participated in the economic development activities of the economic development district in which the project is located;
(2) the project is consistent with the comprehensive economic development strategy of the district;
(3) the recipient worked with Federal, State, and local economic development entities throughout the development of the project; and
(4) the project was completed in accordance with the comprehensive economic development strategy of the district.

(c) Maximum amount

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

(d) Use of awards

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

(e) Federal share

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

(f) Funding

The Secretary shall use any amounts made available for economic development assistance programs to carry out this section.
§ 3154c. Direct expenditure or redistribution by recipient

(a) In general

Subject to subsection (b) of this section, a recipient of a grant under section 3141, 3143, or 3147 of this title may directly expend the grant funds or may redistribute the funds in the form of a subgrant to other eligible recipients to fund required components of the scope of work approved for the project.

(b) Limitation

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

(c) Economic adjustment

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

(d) Limitation

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

§ 3154d. Brightfields demonstration program

(a) Definition of brightfield site

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

(b) Demonstration program

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

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

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

(c) Savings clause

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

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2008, to remain available until expended.
SUBCHAPTER III—ELIGIBILITY; COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

§ 3161. Eligibility of areas

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

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

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

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

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

(c) Documentation

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

(2) Acceptance by Secretary
The documentation shall be accepted by the Secretary unless the Secretary determines that the documentation is inaccurate.

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


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


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

Amendments

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

§ 3162. Comprehensive economic development strategies

(a) In general

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

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

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

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

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

(b) Approval of comprehensive economic development strategy

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

(c) Approval of other plan

(1) In general

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

(2) Existing strategy

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

Prior Provisions


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

Amendments

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

Subsec. (c). Pub. L. 108–373, § 302(b), designated existing provisions as par. (1), inserted heading, and added par. (2).
§ 3171. Designation of economic development districts

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

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

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

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

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

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

(b) Authorities

The Secretary may, under regulations promulgated by the Secretary—

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

(2) cooperate with the States—

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

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

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


Prior Provisions


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

§ 3172. Termination or modification of economic development districts

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

Prior Provisions

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


Prior Provisions

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

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

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


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

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

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

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

Prior Provisions

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


SUBCHAPTER V—ADMINISTRATION

§ 3191. Assistant Secretary for Economic Development

(a) In general

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

(b) Compensation

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

(c) Duties

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


Prior Provisions


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

§ 3192. Economic development information clearinghouse

In carrying out this chapter, the Secretary shall—

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

   (A) information on economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment programs and activities of the Federal Government;
   (B) links to State economic development organizations; and
   (C) links to other appropriate economic development resources;

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

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

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

§ 3193. Consultation with other persons and agencies

(a) Consultation on problems relating to employment

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

(b) Consultation on administration of chapter

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


§ 3194. Administration, operation, and maintenance

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


§ 3196. Performance evaluations of grant recipients

(a) In general

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

(b) Purpose of evaluations of university centers

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

(c) Timing of evaluations

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

(d) Evaluation criteria

(1) Establishment

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

(2) Evaluation criteria for university centers

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

(3) Evaluation criteria for economic development districts

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

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


Prior Provisions

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

Amendments

§ 3197. Notification of reorganization

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


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

SUBCHAPTER VI—MISCELLANEOUS

§ 3211. Powers of Secretary

(a) In general

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

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

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

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

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

(5) under regulations promulgated by the Secretary—

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

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

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

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

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

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

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

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

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

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

(A) officers or employees of the Department;
(B) the employment of persons under contracts entered into for such purposes; or
(C) grants to persons, using funds made available to carry out this chapter;

(12) conduct environmental reviews and incur necessary expenses to evaluate and monitor the environmental impact of economic development assistance provided and proposed to be provided under this chapter, including expenses associated with the representation and defense of the actions of the Secretary relating to the environmental impact of the assistance, using any funds made available to carry out section 3147 of this title;
(13) sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, except that no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Secretary or the property of the Secretary; and
(14) establish such rules, regulations, and procedures as the Secretary considers appropriate for carrying out this chapter.

(b) Deficiency judgments

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

c) Inapplicability of certain other requirements

Section 6101 of title 41 shall not apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of property obtained by the Secretary as a result of assistance provided under this chapter if the premium for the insurance or the amount of the services or supplies does not exceed $1,000.

(d) Property interests

(1) In general

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

(A) this chapter;
(B) title I of the Public Works Employment Act of 1976 (42 U.S.C. 6701 et seq.);
(C) title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); and
(D) the Community Emergency Drought Relief Act of 1977 (42 U.S.C. 5184 note; Public Law 95–31).

(2) Release

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

(e) Powers of conveyance and execution

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

§ 3212. Maintenance of standards

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


References in Text

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

Codification

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

Prior Provisions


A prior section 602 of Pub. L. 89–136 was classified to section 3202 of this title prior to repeal by Pub. L. 105–393, § 102(a).
§ 3213. Annual report to Congress

(a) In general

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

(b) Inclusions

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

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

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

(A) rural and urban economically distressed areas; and

(B) highly distressed areas; and

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


Prior Provisions


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

Amendments


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

(a) Delegation of functions to other Federal agencies

The Secretary may—

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

(b) Transfer of funds to other Federal agencies

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

(c) Transfer of funds from other Federal agencies

(1) In general

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

(2) Use of funds

The transferred funds—

(A) shall remain available until expended; and

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


Prior Provisions


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

§ 3215. Penalties

(a) False statements; security overvaluation

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

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

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

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

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

(b) Embezzlement and fraud-related crimes

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

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

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

(A) makes any false entry in any book, report, or statement of or to the Secretary; or
(B) without being duly authorized, draws any order or issue, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof;

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

(4) gives any unauthorized information concerning any future action or plan of the Secretary that might affect the value of securities, or having such knowledge invests or speculates, directly or indirectly, in the securities or property of any company or corporation receiving loans, grants, or other assistance from the Secretary;

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


§ 3216. Employment of expediters and administrative employees

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

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

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

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

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


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

(a) In general

The Secretary shall—

(1) maintain as a permanent part of the records of the Department a list of applications approved for financial assistance under this chapter; and
(2) make the list available for public inspection during the regular business hours of the Department.

(b) Additions to list

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

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

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

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


Prior Provisions


§ 3218. Records and audits

(a) Recordkeeping and disclosure requirements

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

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

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

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

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

(b) Access to books for examination and audit

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


Prior Provisions


§ 3219. Relationship to assistance under other law

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

Prior Provisions

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

§ 3220. Acceptance of certifications by applicants
Under terms and conditions determined by the Secretary, the Secretary may accept the certifications of an applicant for assistance under this chapter that the applicant meets the requirements of this chapter.


Prior Provisions

§ 3221. Brownfields redevelopment report
(a) Definition of brownfield site
In this section, the term “brownfield site” has the meaning given the term in section 9601 (39) of this title.

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

(2) Contents
The report shall—
(A) identify each project conducted during the previous 10-year period in which grant funds have been used for brownfield sites redevelopment activities; and
(B) include for each project a description of—
(i) the type of economic development activities conducted;
(ii) if remediation activities were conducted—
(I) the type of remediation activities; and
(II) the amount of grant money used for those activities in dollars and as a percentage of the total grant award;
(iii) the economic development and environmental standards applied, if applicable;
(iv) the economic development impact of the project;
(v) the role of Federal, State, or local environmental agencies, if any; and
Title 42 - Section 3222 - Savings clause

(vi) public participation in the project.

(3) Submission of report

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


Prior Provisions


§ 3222. Savings clause

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


Prior Provisions


§ 3231. General authorization of appropriations

(a) Economic development assistance programs

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

(1) $400,000,000 for fiscal year 2004;
(2) $425,000,000 for fiscal year 2005;
(3) $450,000,000 for fiscal year 2006;
(4) $475,000,000 for fiscal year 2007; and
(5) $500,000,000 for fiscal year 2008.

(b) Salaries and expenses

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

(1) $33,377,000 for fiscal year 2004; and
(2) such sums as are necessary for each fiscal year thereafter.


Prior Provisions


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

Amendments

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

§ 3232. Authorization of appropriations for defense conversion activities

(a) In general

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

(b) Pilot projects

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

§ 3233. Authorization of appropriations for disaster economic recovery activities

(a) In general

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

(b) Federal share

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


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

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


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


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.