

retary under this chapter may be exercised by the Secretary, or by any officer or agent appointed by the Secretary for that purpose, without the execution of any express delegation of power or power of attorney.

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

REFERENCES IN TEXT

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

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

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

CODIFICATION

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

PRIOR PROVISIONS

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

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

§ 3212. Maintenance of standards

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

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

REFERENCES IN TEXT

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

CODIFICATION

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

PRIOR PROVISIONS

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

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

AMENDMENTS

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

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

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

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

EFFECTIVE DATE OF 1998 AMENDMENT

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

§ 3213. Annual report to Congress

(a) In general

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

(b) Inclusions

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

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

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

(A) rural and urban economically distressed areas; and

(B) highly distressed areas; and

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

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

PRIOR PROVISIONS

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

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

AMENDMENTS

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

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

(a) Delegation of functions to other Federal agencies

The Secretary may—

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

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

(b) Transfer of funds to other Federal agencies

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

(c) Transfer of funds from other Federal agencies

(1) In general

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

(2) Use of funds

The transferred funds—

(A) shall remain available until expended; and

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

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

PRIOR PROVISIONS

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

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

§ 3215. Penalties

(a) False statements; security overvaluation

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

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

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

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

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

(b) Embezzlement and fraud-related crimes

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

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

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

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

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

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

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

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

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

PRIOR PROVISIONS

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

§ 3216. Employment of expeditors 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 pro-