

Stat. 375; Pub. L. 92-65, title I, §103, Aug. 5, 1971, 85 Stat. 166; Pub. L. 93-46, §1, June 18, 1973, 87 Stat. 96; Pub. L. 93-423, §1, Sept. 27, 1974, 88 Stat. 1158; Pub. L. 94-487, title I, §105, Oct. 12, 1976, 90 Stat. 2331; Pub. L. 96-506, §1(2), Dec. 8, 1980, 94 Stat. 2745; Pub. L. 97-35, title XVIII, §1821(a)(1), Aug. 13, 1981, 95 Stat. 766, authorized appropriations to carry out this subchapter from fiscal year ending June 30, 1966, to fiscal year ending Sept. 30, 1982.

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

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

AMENDMENTS

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

SUBCHAPTER II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

§ 3141. Grants for public works and economic development

(a) In general

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

- (1) acquisition or development of land and improvements for use for a public works, public service, or development facility; and
- (2) acquisition, design and engineering, construction, rehabilitation, alteration, expansion, or improvement of such a facility, including related machinery and equipment.

(b) Criteria for grant

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

- (1) the project for which the grant is applied for will, directly or indirectly—
 - (A) improve the opportunities, in the area where the project is or will be located, for the successful establishment or expansion of industrial or commercial plants or facilities;
 - (B) assist in the creation of additional long-term employment opportunities in the area; or
 - (C) primarily benefit the long-term unemployed and members of low-income families;
- (2) the project for which the grant is applied for will fulfill a pressing need of the area, or a part of the area, in which the project is or will be located; and
- (3) the area for which the project is to be carried out has a comprehensive economic 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.

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

PRIOR PROVISIONS

A prior section 3141, Pub. L. 89-136, title II, §201, Aug. 26, 1965, 79 Stat. 554; Pub. L. 91-304, §1(b), July 6, 1970,

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

§ 3142. Base closings and realignments

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

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

PRIOR PROVISIONS

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

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

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

§ 3143. Grants for planning and grants for administrative expenses

(a) In general

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

(b) Planning process

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

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

(c) Use of planning assistance

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

(d) State plans

(1) Development

Any State plan developed with assistance under this section shall be developed, to the

maximum extent practicable, cooperatively by the State, political subdivisions of the State, and the economic development districts located wholly or partially in the State.

(2) Comprehensive economic development strategy

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

(3) Coordination

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

(4) Comprehensive planning process

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

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

(5) Report to Secretary

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

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

PRIOR PROVISIONS

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

AMENDMENTS

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

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

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

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

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

§ 3144. Cost sharing

(a) Federal share

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

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

(b) Non-Federal share

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

(c) Increase in Federal share

(1) Indian tribes

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

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

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

(3) Training, research, and technical assistance

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

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

PRIOR PROVISIONS

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