

amended Pub. L. 94-487, title I, §112, Oct. 12, 1976, 90 Stat. 2334; Pub. L. 96-506, §1(6), Dec. 8, 1980, 94 Stat. 2745; Pub. L. 97-35, title XVIII, §1821(a)(5), Aug. 13, 1981, 95 Stat. 766, authorized appropriations for supplemental and basic grants and loans, prior to repeal by Pub. L. 105-393, §102(a).

### § 3154. Special impact areas

#### (a) In general

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

#### (b) Conditions

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

- (1) the project will fulfill a pressing need of the area; and
- (2) the project will—
  - (A) be useful in alleviating or preventing conditions of excessive unemployment or underemployment; or
  - (B) assist in providing useful employment opportunities for the unemployed or underemployed residents in the area.

#### (c) Notification

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

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

### § 3154a. Performance awards

#### (a) In general

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

#### (b) Performance measures

##### (1) Regulations

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

##### (2) Considerations

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

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

#### (c) Amount of awards

##### (1) In general

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

##### (2) Maximum amount

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

#### (d) Use of awards

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

#### (e) Federal share

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

#### (f) Treatment in meeting non-Federal share requirements

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

#### (g) Terms and conditions

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

#### (h) Funding

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

#### (i) Reporting requirement

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

#### (j) Review by Comptroller General

##### (1) Review

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

##### (2) Report

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

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

### § 3154b. Planning performance awards

#### (a) In general

The Secretary may make a planning performance award in connection with a grant made, on