

nection 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.

(Pub. L. 89-136, title II, §216, as added Pub. L. 108-373, title II, §211(a), Oct. 27, 2004, 118 Stat. 1765.)

**§ 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.

(Pub. L. 89-136, title II, §217, as added Pub. L. 108-373, title II, §212(a), Oct. 27, 2004, 118 Stat. 1766.)

**§ 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.

(Pub. L. 89-136, title II, §218, as added Pub. L. 108-373, title II, §213(a), Oct. 27, 2004, 118 Stat. 1766.)

**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 gov-