

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.)

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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.)

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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 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 in-

volved discretion with respect to the granting of assistance under this chapter.

(Pub. L. 89-136, title VI, §606, as added Pub. L. 105-393, title I, §102(a), Nov. 13, 1998, 112 Stat. 3615.)

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A prior section 3216, Pub. L. 89-136, title VII, §706, Aug. 26, 1965, 79 Stat. 573, defined terms as used in this chapter, prior to repeal by Pub. L. 105-393, §102(b)(3).

§ 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.

(Pub. L. 89-136, title VI, §607, as added Pub. L. 105-393, title I, §102(a), Nov. 13, 1998, 112 Stat. 3615.)

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A prior section 3217, Pub. L. 89-136, title VII, §707, Aug. 26, 1965, 79 Stat. 573; Pub. L. 94-273, §26, Apr. 21, 1976, 90 Stat. 380, required annual report to Congress on operations under this chapter, prior to repeal by Pub. L. 105-393, §102(b)(3).

§ 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.