

## REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (c)(2), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, as amended, which is classified principally to chapter 68 (§5121 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of this title and Tables.

The Securities Act of 1933, referred to in subsec. (d)(4)(A), is title I of act May 27, 1933, ch. 38, 48 Stat. 74, as amended, which is classified generally to subchapter I (§77a et seq.) of chapter 2A of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 77a of Title 15 and Tables.

The Securities Exchange Act of 1934, referred to in subsec. (d)(4)(A), is act June 6, 1934, ch. 404, 48 Stat. 881, as amended, which is classified principally to chapter 2B (§78a et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 78a of Title 15 and Tables.

## AMENDMENTS

2018—Subsec. (e). Pub. L. 115-254 added subsec. (e).

2004—Subsec. (c)(5). Pub. L. 108-373, §207(a), added par. (5).

Subsec. (d). Pub. L. 108-373, §207(b), added subsec. (d) and struck out heading and text of former subsec. (d). Text read as follows:

“(1) **IN GENERAL.**—Subject to paragraph (2), an eligible recipient of a grant under this section 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.

“(2) **LIMITATION.**—Under paragraph (1), an eligible recipient may not provide any grant to a private for-profit entity.”

## EFFECTIVE DATE

Section effective Feb. 11, 1999, see section 105 of Pub. L. 105-393, set out as a note under section 3121 of this title.

**§ 3150. Changed project circumstances**

In any case in which a grant (including a supplementary grant described in section 3145 of this title) has been made by the Secretary under this subchapter (or made under this chapter, as in effect on the day before the effective date of the Economic Development Administration Reform Act of 1998) for a project, and, after the grant has been made but before completion of the project, the purpose or scope of the project that was the basis of the grant is modified, the Secretary may approve, subject (except for a grant for which funds were obligated in fiscal year 1995) to the availability of appropriations, the use of grant funds for the modified project if the Secretary determines that—

(1) the modified project meets the requirements of this subchapter and is consistent with the comprehensive economic development strategy submitted as part of the application for the grant; and

(2) the modifications are necessary to enhance economic development in the area for which the project is being carried out.

(Pub. L. 89-136, title II, §210, as added Pub. L. 105-393, title I, §102(a), Nov. 13, 1998, 112 Stat. 3606.)

## REFERENCES IN TEXT

For the effective date of the Economic Development Administration Reform Act of 1998, referred to in text,

see section 105 of Pub. L. 105-393, set out as an Effective Date note under section 3121 of this title.

## EFFECTIVE DATE

Section effective Feb. 11, 1999, see section 105 of Pub. L. 105-393, set out as a note under section 3121 of this title.

**§ 3151. Use of funds in projects constructed under projected cost****(a) In general**

In the case of a grant to a recipient for a construction project under section 3141 or 3149 of this title, if the Secretary determines, before closeout of the project, that the cost of the project, based on the designs and specifications that were the basis of the grant, has decreased because of decreases in costs, the Secretary may approve, without further appropriation, the use of the excess funds (or a portion of the excess funds) by the recipient—

(1) to increase the Federal share of the cost of a project under this title to the maximum percentage allowable under section 3144 of this title; or

(2) to improve the project.

**(b) Other uses of excess funds**

Any amount of excess funds remaining after application of subsection (a) may be used by the Secretary for providing assistance under this chapter.

**(c) Transferred funds**

In the case of excess funds described in subsection (a) in projects using funds transferred from other Federal agencies pursuant to section 3214 of this title, the Secretary shall—

(1) use the funds in accordance with subsection (a), with the approval of the originating agency; or

(2) return the funds to the originating agency.

(Pub. L. 89-136, title II, §211, as added Pub. L. 105-393, title I, §102(a), Nov. 13, 1998, 112 Stat. 3606; amended Pub. L. 108-373, title II, §208, Oct. 27, 2004, 118 Stat. 1763; Pub. L. 111-8, div. G, title I, §1301(b), Mar. 11, 2009, 123 Stat. 829; Pub. L. 111-68, div. A, title I, §1501(a), Oct. 1, 2009, 123 Stat. 2041.)

## PRIOR PROVISIONS

Prior sections 3151 and 3151a were repealed by Pub. L. 105-393, §102(a).

Section 3151, Pub. L. 89-136, title III, §301, Aug. 26, 1965, 79 Stat. 558; Pub. L. 91-123, title III, §302, Nov. 25, 1969, 83 Stat. 219; Pub. L. 93-46, §3(a), June 18, 1973, 87 Stat. 96, authorized technical assistance to alleviate or prevent excessive unemployment or underemployment.

Section 3151a, Pub. L. 89-136, title III, §302, as added Pub. L. 93-423, §5(b), Sept. 27, 1974, 88 Stat. 1159; amended Pub. L. 94-487, title I, §110, Oct. 12, 1976, 90 Stat. 2333, authorized grants for economic development planning.

## AMENDMENTS

2009—Subsec. (d). Pub. L. 111-68 struck out subsec. (d). Text read as follows: “The Comptroller General of the United States shall regularly review the implementation of this section.”

Pub. L. 111-8 added subsec. (d) and struck out former subsec. (d) which required the Comptroller General to review and report on the implementation of this section.

2004—Pub. L. 108-373 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “In any case in which a grant (including a supplementary grant described in section 3145 of this title) has been made by the Secretary under this subchapter (or made under this chapter, as in effect on the day before the effective date of the Economic Development Administration Reform Act of 1998) for a construction project, and, after the grant has been made but before completion of the project, the cost of the project based on the designs and specifications that was the basis of the grant has decreased because of decreases in costs—

“(1) the Secretary may approve, subject to the availability of appropriations, the use of the excess funds or a portion of the funds to improve the project; and

“(2) any amount of excess funds remaining after application of paragraph (1) shall be deposited in the general fund of the Treasury.”

#### EFFECTIVE DATE

Section effective Feb. 11, 1999, see section 105 of Pub. L. 105-393, set out as a note under section 3121 of this title.

### § 3152. Reports by recipients

#### (a) In general

Each recipient of assistance under this subchapter shall submit reports to the Secretary at such intervals and in such manner as the Secretary shall require by regulation, except that no report shall be required to be submitted more than 10 years after the date of closeout of the assistance award.

#### (b) Contents

Each report shall contain an evaluation of the effectiveness of the economic assistance provided under this subchapter in meeting the need that the assistance was designed to address and in meeting the objectives of this chapter.

(Pub. L. 89-136, title II, §212, as added Pub. L. 105-393, title I, §102(a), Nov. 13, 1998, 112 Stat. 3606.)

#### PRIOR PROVISIONS

A prior section 3152, Pub. L. 89-136, title III, §303, formerly §302, Aug. 26, 1965, 79 Stat. 560, amended Pub. L. 91-123, title III, §303, Nov. 25, 1969, 83 Stat. 219; Pub. L. 91-304, §1(c), July 6, 1970, 84 Stat. 375; Pub. L. 92-65, title I, §105, Aug. 5, 1971, 85 Stat. 167; Pub. L. 93-46, §3(b), June 18, 1973, 87 Stat. 96; renumbered §303 and amended Pub. L. 93-423, §5(a), (c), Sept. 27, 1974, 88 Stat. 1159, 1160; Pub. L. 94-487, title I, §111, Oct. 12, 1976, 90 Stat. 2334; Pub. L. 96-506, §1(5), Dec. 8, 1980, 94 Stat. 2745; Pub. L. 97-35, title XVIII, §1821(a)(4), Aug. 13, 1981, 95 Stat. 766, authorized appropriations for technical assistance and economic development planning, prior to repeal by Pub. L. 105-393, §102(a).

#### EFFECTIVE DATE

Section effective Feb. 11, 1999, see section 105 of Pub. L. 105-393, set out as a note under section 3121 of this title.

### § 3153. Prohibition on use of funds for attorney's and consultant's fees

Assistance made available under this subchapter shall not be used directly or indirectly for an attorney's or consultant's fee incurred in connection with obtaining grants and contracts under this subchapter.

(Pub. L. 89-136, title II, §213, as added Pub. L. 105-393, title I, §102(a), Nov. 13, 1998, 112 Stat. 3607.)

#### PRIOR PROVISIONS

A prior section 3153, Pub. L. 89-136, title III, §304, as added Pub. L. 93-423, §5(d), Sept. 27, 1974, 88 Stat. 1160; 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).

#### EFFECTIVE DATE

Section effective Feb. 11, 1999, see section 105 of Pub. L. 105-393, set out as a note under section 3121 of this title.

### § 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) 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), 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).

##### (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;