

Such Act, referred to in subsec. (f)(6), is the Public Works and Economic Development Act of 1965, Pub. L. 89-136, Aug. 26, 1965, 79 Stat. 552, which is classified generally to chapter 38 (§3121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3121 of Title 42 and Tables.

#### PRIOR PROVISIONS

A prior section 28 of Pub. L. 96-480 was renumbered section 30 and is classified to section 3723 of this title.

#### Statutory Notes and Related Subsidiaries

##### INITIAL DESIGNATIONS AND AWARDS

Pub. L. 117-167, div. B, title VI, §10621(b), Aug. 9, 2022, 136 Stat. 1659, provided that:

“(1) COMPETITION REQUIRED.—Not later than 1 year after the date of the enactment of this Act [Aug. 9, 2022], subject to the availability of appropriations, the Secretary of Commerce shall commence a competition under subsection (d)(1) of section 28 of the Stevenson-Wydler Technology Innovation Act of 1980 [15 U.S.C. 3722a(d)(1)] (as added by this section).

“(2) DESIGNATION AND AWARD.—Not later than 18 months after the date of the enactment of this Act, if the Secretary has received at least 1 application under subsection (g) of section 28 of the Stevenson-Wydler Technology Innovation Act of 1980 [15 U.S.C. 3722a(g)] (as added by this section) from an eligible consortium which the Secretary considers suitable for designation under subsection (d)(1) of such section 28, the Secretary shall—

“(A) designate at least 1 regional technology and innovation hub under subsection (d)(1) of such section 28; and

“(B) award a grant or cooperative agreement under subsection (f)(1) of such section 28 [15 U.S.C. 3722a(f)(1)] to each regional technology and innovation hub designated pursuant to subparagraph (A) of this paragraph.”

#### § 3722b. Distressed area Recompete Pilot Program

##### (a) In general

Within the program authorized under section 3722a of this title, the Secretary is authorized to establish a pilot program, to be known as the “Recompete Pilot Program”, to provide grants to eligible recipients representing eligible areas or Tribal lands to alleviate persistent economic distress and support long-term comprehensive economic development and job creation in eligible areas.

##### (b) Strategy development grants and cooperative agreements

Subject to available appropriations, the Secretary is authorized, on the application of an eligible recipient, to award up to one half of the number of grants under subsection (e) of section 3722a of this title to eligible recipients to develop a recompete plan and carry out related predevelopment activities.

##### (c) Strategy implementation grants and cooperative agreements

Subject to available appropriations and subsection (f), the Secretary shall award, on the application of an eligible recipient, at least ten strategy implementation grants, in accordance with a recompete plan review and approved by the Secretary, to carry out coordinated and comprehensive economic development programs and activities in an eligible area, consistent

with a recompete plan approved by the Secretary. Such activities may include—

(1) workforce development activities of the kind described in section 3722a(f) of this title or other job training and workforce outreach programs oriented to local employer needs, such as—

(A) customized job training programs carried out by local community colleges and other training or educational organizations in partnership with local businesses;

(B) workforce outreach programs located in, and targeted to, lower-income and underemployed neighborhoods; and

(C) programs to embed job placement and training services in neighborhood institutions such as churches, housing projects, and community advocacy programs; and

(D) job retention programs and activities, such as the provision of career coaches;

(2) business and entrepreneur development activities of the kind described in section 3722a(f) of this title, technology development and maturation activities of the kind described in such section, or the provision of business advice and assistance to small and medium-sized local businesses and entrepreneurs. Such advice and assistance may include—

(A) manufacturing extension services;

(B) small business development centers;

(C) centers to help businesses bid for Federal procurement contracts;

(D) entrepreneurial assistance programs that link entrepreneurs with available public and private resources;

(E) legal advice and resources; and

(F) assistance in accessing capital;

(3) infrastructure related activities of the kind described in section 3722a(f) of this title or other land and site development programs, such as brownfield redevelopment, research and technology parks, business incubators, business corridor development, and other infrastructure activities related to supporting job creation and employment for residents, subject to the requirements of section 3722a(f)(6) of this title; and

(4) additional planning, predevelopment, technical assistance, and other administrative activities as may be necessary for the ongoing implementation, administration, and operation of the programs and activities carried out with a grant or cooperative agreement under this section, including but not limited to economic development planning and evaluation.

##### (d) Term

###### (1) Initial performance period

The term of an initial grant or cooperative agreement awarded under subsection (c) shall be for a period that the Secretary deems appropriate for the proposed activities but not less than 2 years.

###### (2) Subsequent performance period

The Secretary may renew a grant or cooperative agreement awarded under subsection (c) for such period, such amount, and such terms

as the Secretary considers appropriate, if the Secretary determines that the recipient of an award under subsection (c) has made satisfactory progress towards metrics or benchmarking requirements established by the Secretary at time of award.

**(3) Flexible approach**

In renewing a grant or cooperative agreement under subsection (c), the Secretary may approve new or additional uses of funds, consistent with the uses described in subsection (c), to meet changes in the needs of the region.

**(e) Limitations**

**(1) Limitation on eligible areas**

An eligible area may not benefit from more than 1 grant or cooperative agreement described in subsection (b) and 1 grant or cooperative agreement described in subsection (c), provided that a renewal described in subsection (d)(2) shall not constitute an additional grant.

**(2) Limitation on recipients**

For purposes of the program under this section, an eligible recipient may not receive multiple grants described in subsection (c) on behalf of more than 1 eligible area.

**(f) Award amount**

**(1) In general**

In determining the amount of a grant that an eligible recipient may be awarded under subsection (c), the Secretary shall—

- (A) take into consideration the proposed activities and projected expenditures outlined in an approved recompetite plan; and
- (B) award not more than the product obtained by multiplying—
  - (i) the prime-age employment gap of the eligible area;
  - (ii) the prime-age population of the eligible area; and
  - (iii) either—
    - (I) \$70,585 for local labor markets; or
    - (II) \$53,600 for local communities.

**(2) Minimum amount**

The Secretary may not make an award that is less than \$20,000,000 to an eligible recipient.

**(g) Applications**

To be considered for a grant or cooperative agreement under—

- (1) subsection (b) of this section, an eligible recipient shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be appropriate; and
- (2) subsection (c) of this section, an eligible recipient shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be appropriate, including a recompetite plan approved by the Secretary.

**(h) Relation to certain grant awards**

The Secretary shall not require an eligible recipient to receive a grant or cooperative agreement under subsection (b) in order to receive a grant or cooperative agreement under subsection (c).

**(i) Authorization of appropriations**

There is authorized to be appropriated to the Secretary \$1,000,000,000 to award grants and cooperative agreements under subsection (c) of this section, for the period of fiscal years 2022 through 2026.

**(j) Definitions**

In this section:

**(1) Eligible area**

The term “eligible area” means either of the following:

- (A) A local labor market that—
  - (i) has a prime-age employment gap equal to not less than 2.5 percent; and
  - (ii) meets additional criteria as the Secretary may establish.
- (B) A local community that—
  - (i) has a prime-age employment gap equal to not less than 5 percent;
  - (ii) is not located within an eligible local labor market that meets the criteria described in subparagraph (A);
  - (iii) has a median annual household income of not more than \$75,000; and
  - (iv) meets additional criteria as the Secretary may establish.

**(2) Eligible recipient**

The term “eligible recipient” means a specified entity that has been authorized in a manner as determined by the Secretary to represent and act on behalf of an eligible area for the purposes of this section.

**(3) Local labor market**

The term “local labor market” means any of the following areas that contains 1 or more specified entities described in subparagraphs (A) through (D) of paragraph (6)<sup>1</sup>:

- (A) A metropolitan statistical area or micropolitan statistical area, excluding any area described in subparagraph (C).
- (B) A commuting zone, excluding any areas described in subparagraphs (A) and (C).
- (C) The Tribal land with a Tribal prime-age population represented by a Tribal government.

**(4) Local community**

The term “local community” means the area served by a general-purpose unit of local government that is located within, but does not cover the entire area of, a local labor market that does not meet the criteria described in paragraph (1)(A).

**(5) Prime-age employment gap**

**(A) In general**

The term “prime-age employment gap” means the difference (expressed as a percentage) between—

- (i) the national 5-year average prime-age employment rate; and
- (ii) the 5-year average prime-age employment rate of the eligible area.

**(B) Calculation**

For the purposes of subparagraph (A), an individual is prime-age if such individual between the ages of 25 years and 54 years.

<sup>1</sup> So in original. Probably should be paragraph “(7)”.

**(6) Recompete plan**

The term “recompete plan” means a comprehensive multiyear economic development plan that—

(A) includes—

(i) proposed programs and activities to be carried out with a grant awarded under subsection (c) to address the economic challenges of the eligible area in a comprehensive manner that promotes long-term, sustained economic growth, lasting job creation, per capita wage increases, and reduction in the prime-age employment gap of the eligible area;

(ii) projected costs and annual expenditures and proposed disbursement schedule;

(iii) the roles and responsibilities of specified entities that may receive grant funds awarded under subsection (c); and

(iv) other information as the Secretary determines appropriate;

(B) is submitted to the Secretary for approval for an eligible recipient to be considered for a grant described in subsection (c); and

(C) may be modified over the term of the grant by the eligible recipient, subject to the approval of the Secretary or at the direction of the Secretary, if the Secretary determines benchmarking requirements are repeatedly not met or if other circumstances necessitate a modification.

**(7) Specified entity**

The term “specified entity” means—

(A) a unit of local government;

(B) the District of Columbia;

(C) a territory of the United States;

(D) a Tribal government;

(E) political subdivision of a State or other entity, including a special-purpose entity engaged in economic development activities;

(F) a public entity or nonprofit organization, acting in cooperation with the officials of a political subdivision of a State or other entity described in subparagraph (E);

(G) an economic development district (as defined in section 3122 of title 42); and

(H) a consortium of any of the specified entities described in this paragraph which serve or are contained within the same eligible area.

**(8) Tribal land**

The term “Tribal land” means any land—

(A) located within the boundaries of an Indian reservation, pueblo, or rancheria; or

(B) not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

(i) in trust by the United States for the benefit of an Indian Tribe or an individual Indian;

(ii) by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

(iii) by a dependent Indian community.

**(9) Tribal prime-age population****(A) In general**

The term “Tribal prime-age population” shall be equal to the sum obtained by adding—

(i) the product obtained by multiplying—

(I) the total number of individuals ages 25 through 54 residing on the Tribal land of the Tribal government; and

(II) 0.65; and

(ii) the product obtained by multiplying—

(I) the total number of individuals ages 25 through 54 included on the membership roll of the Tribal government; and

(II) 0.35<sup>2</sup>

**(B) Use of data**

A calculation under subparagraph (A) shall be determined based on data provided by the applicable Tribal government to the Department of the Treasury under the Coronavirus State and Local Fiscal Recovery Fund programs under title VI of the Social Security Act (42 U.S.C. 801 et seq.).

(Pub. L. 96–480, § 29, as added Pub. L. 117–167, div. B, title VI, § 10621(a)(2), Aug. 9, 2022, 136 Stat. 1655.)

**Editorial Notes****REFERENCES IN TEXT**

The Social Security Act, referred to in subsec. (j)(9)(B), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Title VI of the Act is classified generally to subchapter VI (§801 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

**Statutory Notes and Related Subsidiaries****DISTRESSED AREA DESIGNATION AND AWARD**

Pub. L. 117–167, div. B, title VI, § 10621(c), Aug. 9, 2022, 136 Stat. 1660, provided that: “Not later than 18 months after the date of the enactment of this section [Aug. 9, 2022], subject to the availability of appropriations, if the Secretary [of Commerce] has received applications under section 29 of the Stevenson-Wydler Technology Innovation Act of 1980 [15 U.S.C. 3722b] (as added by this section) from an eligible recipient which the Secretary considers suitable for award under such section 29, the Secretary shall award grants or cooperative agreement under subsections (b) and (c) of such section 29 to one or more eligible recipients.”

[For definition of “recipient” as used in section 10621(c) of Pub. L. 117–167, set out above, see section 18901 of Title 42, The Public Health and Welfare.]

**§ 3723. STEM apprenticeship programs****(a) In general**

The Secretary of Commerce may carry out a grant program to identify the need for skilled science, technology, engineering, and mathematics (referred to in this section as “STEM”) workers and to expand STEM apprenticeship programs.

**(b) Eligible recipient defined**

In this section, the term “eligible recipient” means—

(1) a State;

(2) an Indian tribe;

(3) a city or other political subdivision of a State;

(4) an entity that—

<sup>2</sup> So in original. Probably should be followed by a period.