

sion unless he finds that the diversion is in accord with the then applicable comprehensive plan for the area, authorizing the Secretary to accept, in cases of repayment, substitution of land of approximately equal fair market value, and stating that an interim use of land for a public or private purpose in accordance with prescribed standards shall not constitute a diversion, and eliminated provisions which required repayment if the land purchased with assistance is not utilized within five years after the agreement is entered into in connection with the construction of the public work or facility for which the land was acquired.

Subsec. (e). Pub. L. 90-448 added subsec. (e).

1967—Subsecs. (a), (c), (d). Pub. L. 90-19 substituted “Secretary” for “Administrator” wherever appearing.

§ 3105. Powers and duties of Secretary

(a) In the performance of, and with respect to, the functions, powers, and duties vested in him by this chapter, the Secretary shall (in addition to any authority otherwise vested in him) have the functions, powers, and duties set forth in section 1749a¹ of title 12, except subsections (a), (c)(2), and (f) thereof.

(b) The Secretary is authorized, notwithstanding the provisions of section 3324(a) and (b) of title 31, to make advance or progress payments on account of any grant made pursuant to this chapter. No part of any grant authorized to be made by the provisions of this chapter shall be used for the payment of ordinary governmental operating expenses.

(Pub. L. 89-117, title VII, §705, Aug. 10, 1965, 79 Stat. 492; Pub. L. 90-19, §22(b), May 25, 1967, 81 Stat. 26.)

Editorial Notes

REFERENCES IN TEXT

Section 1749a of title 12, referred to in subsec. (a), was repealed by Pub. L. 99-498, title VII, §702, Oct. 17, 1986, 100 Stat. 1545.

CODIFICATION

In subsec. (b), “section 3324(a) and (b) of title 31” substituted for “section 3648 of the Revised Statutes [31 U.S.C. 529]” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1967—Pub. L. 90-19 substituted “Secretary” for “Administrator” wherever appearing.

§ 3106. Definitions

As used in this chapter—

(a) The term “State” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(b) The term “local public bodies and agencies” includes public corporate bodies or political subdivisions; public agencies or instrumentalities of one or more States, municipalities, or political subdivisions of one or more States (including public agencies and instrumentalities of one or more municipalities or other political subdivisions of one or more States); Indian tribes; and boards or commissions established under the laws of any State to finance specific capital improvement projects.

¹ See References in Text note below.

(c) The term “development cost” means the cost of constructing the facility and of acquiring the land on which it is located, including necessary site improvements to permit its use as a site for the facility.

(Pub. L. 89-117, title VII, §706, Aug. 10, 1965, 79 Stat. 492.)

§ 3107. Labor standards

All laborers and mechanics employed by contractors or subcontractors on projects assisted under sections 3102 and 3103 of this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with sections 3141-3144, 3146, and 3147 of title 40. No such project shall be approved without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 3145 of title 40.

(Pub. L. 89-117, title VII, §707, Aug. 10, 1965, 79 Stat. 492.)

Editorial Notes

REFERENCES IN TEXT

Sections 3102 and 3103 of this title, referred to in text, were omitted from the Code pursuant to section 5316 of this title which terminated the authority to make grants or loans under those sections after Jan. 1, 1975.

Reorganization Plan Numbered 14 of 1950, referred to in text, is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

In text, “sections 3141-3144, 3146, and 3147 of title 40” substituted for “the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5)” and “section 3145 of title 40” substituted for “section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c)”, on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

§ 3108. Authorization of appropriations

(a) There are authorized to be appropriated for each fiscal year commencing after June 30, 1965, and ending prior to July 1, 1969, not to exceed (1) \$200,000,000 (or \$350,000,000 in the case of the fiscal year commencing July 1, 1968) for grants under section 3102 of this title, (2) \$50,000,000 for grants under section 3103 of this title, and (3) \$25,000,000 for grants under section 3104 of this title. In addition, there is authorized to be appropriated for grants under section 3102 of this title not to exceed \$115,000,000 for the fiscal year commencing July 1, 1969, and not to exceed \$100,000,000 for the fiscal year commencing July 1, 1970. In addition, upon the enactment of the Emergency Community Facilities Act of 1970, there is authorized to be appropriated for grants under section 3102 of this title not to exceed \$1,000,000,000 for the fiscal year commencing July 1, 1970. In addition, there is authorized to be appropriated for the fiscal year commencing July 1, 1971, not to exceed \$50,000,000 for grants

under section 3103 of this title. In addition, there are authorized to be appropriated for the fiscal year commencing July 1, 1973, not to exceed \$40,000,000 for grants under section 3103 of this title.

(b) Any amounts appropriated under this section shall remain available until expended, and any amounts authorized for any fiscal year under this section but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1974.

(Pub. L. 89-117, title VII, §708, Aug. 10, 1965, 79 Stat. 493; Pub. L. 90-448, title VI, §605, Aug. 1, 1968, 82 Stat. 534; Pub. L. 91-152, title III, §305(b), (c), Dec. 24, 1969, 83 Stat. 391; Pub. L. 91-431, §3(a), (b), Oct. 6, 1970, 84 Stat. 886; Pub. L. 91-609, title III, §304, Dec. 31, 1970, 84 Stat. 1780; Pub. L. 92-335, §3, July 1, 1972, 86 Stat. 405; Pub. L. 93-117, §8, Oct. 2, 1973, 87 Stat. 422.)

Editorial Notes

REFERENCES IN TEXT

Sections 3102 and 3103 of this title, referred to in subsec. (a), were omitted from the Code pursuant to section 5316 of this title which terminated the authority to make grants or loans under those sections after Jan. 1, 1975.

The Emergency Community Facilities Act of 1970, referred to in subsec. (a), is Pub. L. 91-431, Oct. 6, 1970, 84 Stat. 886, which amended sections 3102 and 3108 of this title, and enacted a provision set out as a note under this section. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

AMENDMENTS

1973—Subsec. (a). Pub. L. 93-117, §8(a), provided for neighborhood facility grant authorization of \$40,000,000 for fiscal year commencing July 1, 1973.

Subsec. (b). Pub. L. 93-117, §8(b), substituted “July 1, 1974” for “September 30, 1972”.

1972—Subsec. (b). Pub. L. 92-335 substituted “September 30, 1972” for “July 1, 1972”.

1970—Subsec. (a). Pub. L. 91-609, §304(a), authorized appropriation of \$50,000,000 for fiscal year commencing July 1, 1971, for grants under section 3103 of this title.

Pub. L. 91-431, §3(a), authorized appropriations for grants under section 3102 of this title of not to exceed \$1,000,000,000 for fiscal year commencing July 1, 1970.

Subsec. (b). Pub. L. 91-609, §304(b), substituted “July 1, 1972” for “July 1, 1971”.

Pub. L. 91-431, §3(b), substituted “July 1, 1972” for “July 1, 1971”.

1969—Subsec. (a). Pub. L. 91-152, §305(c), authorized appropriations of not more than \$100,000,000 for fiscal year commencing July 1, 1970.

Subsec. (b). Pub. L. 91-152, §305(b), substituted “July 1, 1971” for “July 1, 1970”.

1968—Subsec. (a). Pub. L. 90-448, §605(b), authorized appropriations of not more than \$350,000,000 for fiscal year commencing July 1, 1968, and not more than \$115,000,000 for fiscal year commencing July 1, 1969.

Subsec. (b). Pub. L. 90-448, §605(a), substituted “July 1, 1970” for “July 1, 1969”.

Statutory Notes and Related Subsidiaries

CONGRESSIONAL STATEMENT OF FINDINGS

Pub. L. 91-431, §2, Oct. 6, 1970, 84 Stat. 886, provided that:

“(a) The Congress finds that a large number of municipalities and other entities of local government throughout the Nation are unable to finance construction of vital and urgently needed public facilities because of the shortage of funds for long-term borrowing.

“(b) The Congress further finds that there is an immediate need for such facilities in order to provide basic safeguards for the health and well-being of the people of the United States, to check widespread pollution of irreplaceable water sources, and to provide an effective and practical method of combating rising unemployment.”

ADMINISTRATIVE PRIORITY FOR APPLICATIONS RELATING TO ACTIVITIES IN AREAS AFFECTED BY BASE CLOSINGS

State or unit of local government or agency thereof affected by reduction in level of expenditure or employment at Department of Defense installation located in or near such State or unit of local government, priority in processing applications for assistance under this section, see section 1453a of this title.

CHAPTER 38—PUBLIC WORKS AND ECONOMIC DEVELOPMENT

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