

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 notification that explains the basis for using that investment priority.

(c) Savings clause

Nothing in this section waives any other requirement of this chapter.

(Pub. L. 89-136, title II, §208, as added Pub. L. 118-272, div. B, title II, §2218, Jan. 4, 2025, 138 Stat. 3182.)

Editorial Notes

PRIOR PROVISIONS

A prior section 3148, Pub. L. 89-136, title II, §208, as added Pub. L. 105-393, title I, §102(a), Nov. 13, 1998, 112 Stat. 3605, related to prevention of unfair competition, prior to repeal by Pub. L. 108-373, title II, §206(a), Oct. 27, 2004, 118 Stat. 1761.

§ 3149. Grants for economic adjustment

(a) In general

On the application of an eligible recipient, the Secretary may make grants for development of public facilities, public services, business development (including funding of a revolving loan fund), planning, technical assistance, training, and any other assistance to alleviate long-term economic deterioration and sudden and severe economic dislocation and further the economic adjustment objectives of this subchapter.

(b) Criteria for assistance

The Secretary may provide assistance under this section only if the Secretary determines that—

(1) the project will help the area to meet a special need arising from—

(A) actual or threatened severe unemployment; or

(B) economic adjustment problems resulting from severe changes in economic conditions; and

(2) the area for which a project is to be carried out has a comprehensive economic development strategy and the project is consistent with the strategy, except that this paragraph shall not apply to planning projects.

(c) Particular community assistance

Assistance under this section may include assistance provided for activities identified by communities, the economies of which are injured by—

(1) military base closures or realignments, defense contractor reductions in force, or Department of Energy defense-related funding reductions, for help in diversifying their economies through projects to be carried out on Federal Government installations or elsewhere in the communities;

(2) disasters or emergencies, in areas with respect to which a major disaster or emergency has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), for post-disaster economic recovery;

(3) international trade, for help in economic restructuring of the communities;

(4) fishery failures, in areas with respect to which a determination that there is a commercial fishery failure has been made under section 1861a(a) of title 16;

(5) the loss of manufacturing, travel and tourism, natural resource-based, blue economy, or agricultural jobs, for reinvesting in and diversifying the economies of the communities;

(6) economic dislocation in the steel industry due to the closure of a steel plant, primary steel economy contraction events (including temporary layoffs and shifts to part-time work), or job losses in the steel industry or associated with the departure or contraction of the steel industry, for help in economic restructuring of the communities; or

(7) limited water for industrial consumption in areas impacted by decreased water supplies due to drought or extreme heat.

(d) Assistance to coal communities

(1) Definitions

In this subsection:

(A) Coal economy

The term “coal economy” means the complete supply chain of coal-reliant industries, including—

(i) coal mining;

(ii) coal-fired power plants;

(iii) transportation or logistics; and

(iv) manufacturing.

(B) Contraction event

The term “contraction event” means the closure of a facility or a reduction in activity relating to a coal-reliant industry, including an industry described in any of clauses (i) through (iv) of subparagraph (A).

(2) Authorization

On the application of an eligible recipient, the Secretary may make grants for projects in areas adversely impacted by a contraction event in the coal economy.

(3) Eligibility

(A) In general

In carrying out this subsection, the Secretary shall determine the eligibility of an area based on whether the eligible recipient can reasonably demonstrate that the area—

(i) has been adversely impacted by a contraction event in the coal economy within the previous 25 years; or

(ii) will be adversely impacted by a contraction event in the coal economy.

(B) Prohibition

No regulation or other policy of the Secretary may limit the eligibility of an eligible recipient for a grant under this subsection based on the date of a contraction event except as provided in subparagraph (A)(i).

(C) Demonstrating adverse impact

For the purposes of this paragraph, an eligible recipient may demonstrate an adverse impact by demonstrating—

(i) a loss in employment;

(ii) a reduction in tax revenue; or

(iii) any other factor, as determined to be appropriate by the Secretary.

(e) Assistance to nuclear host communities

(1) Definitions

In this subsection:

(A) Commission

The term “Commission” means the Nuclear Regulatory Commission.

(B) Community advisory board

The term “community advisory board” means a community committee or other advisory organization that—

- (i) primarily focuses on the economic impacts of decommissioning activities; and
- (ii) aims to foster communication and information exchange between a licensee planning for and involved in decommissioning activities and members of the community that decommissioning activities may affect.

(C) Decommission

The term “decommission” has the meaning given the term in section 50.2 of title 10, Code of Federal Regulations (or successor regulations).

(D) Licensee

The term “licensee” has the meaning given the term in section 50.2 of title 10, Code of Federal Regulations (or successor regulations).

(E) Nuclear host community

The term “nuclear host community” means an eligible recipient that has been economically impacted, or reasonably demonstrates to the satisfaction of the Secretary that it will be economically impacted, by a nuclear power plant licensed by the Commission that—

- (i) is not co-located with an operating nuclear power plant;
- (ii) is at a site with spent nuclear fuel; and
- (iii) as of January 4, 2025—
 - (I) has ceased operations; or
 - (II) has provided a written notification to the Commission that it will cease operations.

(2) Authorization

On the application of an eligible recipient, the Secretary may make grants—

- (A) to assist with economic development in nuclear host communities; and
- (B) to fund community advisory boards in nuclear host communities.

(3) Requirement

In carrying out this subsection, to the maximum extent practicable, the Secretary shall implement the recommendations described in the report submitted to Congress under section 108 of the Nuclear Energy Innovation and Modernization Act (Public Law 115-439; 132 Stat. 5577) entitled “Best Practices for Establishment and Operation of Local Community Advisory Boards Associated with Decommissioning Activities at Nuclear Power Plants”.

(4) Distribution of funds

The Secretary shall establish a methodology to ensure, to the maximum extent practicable, geographic diversity among grant recipients under this subsection.

(f) Special provisions relating to revolving loan fund grants

(1) In general

The Secretary shall promulgate regulations to maintain the proper operation and financial integrity of revolving loan funds established by recipients with assistance under this section.

(2) Efficient administration

The Secretary may—

(A) at the request of a grantee, amend and consolidate grant agreements governing revolving loan funds to provide flexibility with respect to lending areas and borrower criteria;

(B) assign or transfer assets of a revolving loan fund to third party for the purpose of liquidation, and the third party may retain assets of the fund to defray costs related to liquidation; and

(C) take such actions as are appropriate to enable revolving loan fund operators to sell or securitize loans (except that the actions may not include issuance of a Federal guaranty by the Secretary).

(3) Treatment of actions

An action taken by the Secretary under this subsection with respect to a revolving loan fund shall not constitute a new obligation if all grant funds associated with the original grant award have been disbursed to the recipient.

(4) Preservation of securities laws

(A) Not treated as exempted securities

No securities issued pursuant to paragraph (2)(C) shall be treated as exempted securities for purposes of the Securities Act of 1933 (15 U.S.C. 77a et seq.) or the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), unless exempted by rule or regulation of the Securities and Exchange Commission.

(B) Preservation

Except as provided in subparagraph (A), no provision of this subsection or any regulation promulgated by the Secretary under this subsection supersedes or otherwise affects the application of the securities laws (as the term is defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))) or the rules, regulations, or orders of the Securities and Exchange Commission or a self-regulatory organization under that Commission.

(g) Disaster mitigation

In providing assistance pursuant to subsection (c)(2), if appropriate and as applicable, the Secretary may encourage hazard mitigation in assistance provided pursuant to such subsection.

(Pub. L. 89-136, title II, §209, as added Pub. L. 105-393, title I, §102(a), Nov. 13, 1998, 112 Stat. 3605; amended Pub. L. 108-373, title II, §207, Oct.

27, 2004, 118 Stat. 1762; Pub. L. 115-254, div. D, §1217(a), Oct. 5, 2018, 132 Stat. 3451; Pub. L. 118-272, div. B, title II, §2219, Jan. 4, 2025, 138 Stat. 3183.)

Editorial Notes

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, 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.

Section 108 of the Nuclear Energy Innovation and Modernization Act, referred to in subsec. (e)(3), is section 108 of Pub. L. 115-439, title I, Jan. 14, 2019, 132 Stat. 5577, which is not classified to the Code.

The Securities Act of 1933, referred to in subsec. (f)(4)(A), is title I of act May 27, 1933, ch. 38, 48 Stat. 74, 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. (f)(4)(A), is act June 6, 1934, ch. 404, 48 Stat. 881, 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

2025—Subsec. (c)(5). Pub. L. 118-272, §2219(1)(B)(i), inserted “, travel and tourism, natural resource-based, blue economy, or agricultural” after “manufacturing”.

Subsec. (c)(6), (7). Pub. L. 118-272, §2219(1)(A), (B)(ii), (C), added pars. (6) and (7).

Subsecs. (d) to (g). Pub. L. 118-272, §2219(2), (3), added subsecs. (d) and (e) and redesignated former subsecs. (d) and (e) as (f) and (g), respectively.

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.”

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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.