

(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;
- (C) amounts of private sector capital investments leveraged; and
- (D) such other factors as the Secretary determines to be appropriate.

**(c) Amount of awards**

**(1) In general**

The Secretary shall base the amount of a performance award made under subsection (a) in connection with a grant on the extent to which a recipient meets or exceeds performance measures established in connection with the grant.

**(2) Maximum amount**

The amount of a performance award may not exceed 10 percent of the amount of the grant.

**(d) Use of awards**

A recipient of a performance award under subsection (a) may use the award for any eligible purpose under this chapter, in accordance with section 3212 of this title and such regulations as the Secretary may promulgate.

**(e) Federal share**

Notwithstanding section 3144 of this title, the funds of a performance award may be used to pay up to 100 percent of the cost of an eligible project or activity.

**(f) Treatment in meeting non-Federal share requirements**

For the purposes of meeting the non-Federal share requirements under this, or any other, Act

the funds of a performance award shall be treated as funds from a non-Federal source.

**(g) Terms and conditions**

In making performance awards under subsection (a), the Secretary shall establish such terms and conditions as the Secretary considers to be appropriate.

**(h) Funding**

The Secretary shall use any amounts made available for economic development assistance programs to carry out this section.

**(i) Reporting requirement**

The Secretary shall include information regarding performance awards made under this section in the annual report required under section 3213 of this title.

**(j) Review by Comptroller General**

**(1) Review**

The Comptroller General shall regularly review the implementation of this section.

**(2) Report**

Not later than 1 year after October 27, 2004, the Comptroller General 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 report on the findings of the Comptroller on implementation of this subsection.

(Pub. L. 89-136, title II, §215, as added Pub. L. 108-373, title II, §210(a), Oct. 27, 2004, 118 Stat. 1764.)

**§ 3154b. Planning performance awards**

**(a) In general**

The Secretary may make a planning performance award in connection with a grant made, on or after October 27, 2004, to an eligible recipient for a project under this subchapter located in an economic development district.

**(b) Eligibility**

The Secretary may make a planning performance award to an eligible recipient under subsection (a) in connection with a grant for a project if the Secretary determines before close-out of the project that—

- (1) the recipient actively participated in the economic development activities of the economic development district in which the project is located;
- (2) the project is consistent with the comprehensive economic development strategy of the district;
- (3) the recipient worked with Federal, State, and local economic development entities throughout the development of the project; and
- (4) the project was completed in accordance with the comprehensive economic development strategy of the district.

**(c) Maximum amount**

The amount of a planning performance award made under subsection (a) in connection with a grant may not exceed 5 percent of the amount of the grant.