

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

Editorial Notes

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).

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.

§ 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.)

Editorial Notes

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).

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.

§ 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;
- (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.

(d) Use of awards

A recipient of a planning performance award under subsection (a) shall use the award to increase the Federal share of the cost of a project under this subchapter.

(e) Federal share

Notwithstanding section 3144 of this title, the funds of a planning performance award may be used to pay up to 100 percent of the cost of a project under this subchapter.

(f) Funding

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

(Pub. L. 89-136, title II, §216, as added Pub. L. 108-373, title II, §211(a), Oct. 27, 2004, 118 Stat. 1765.)

§ 3154c. Direct expenditure or redistribution by recipient**(a) In general**

Subject to subsection (b), a recipient of a grant under section 3141, 3143, or 3147 of this title may directly expend the grant funds or may redistribute the funds in the form of a subgrant to other eligible recipients to fund required components of the scope of work approved for the project.

(b) Limitation

A recipient may not redistribute grant funds received under section 3141 or 3143 of this title to a for-profit entity.

(c) Economic adjustment

Subject to subsection (d), a recipient of a grant under section 3149 of this title 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.

(d) Limitation

Under subsection (c), a recipient may not provide any grant to a private for-profit entity.

(Pub. L. 89-136, title II, §217, as added Pub. L. 108-373, title II, §212(a), Oct. 27, 2004, 118 Stat. 1766.)

§ 3154d. Brightfields demonstration program**(a) Definition of brightfield site**

In this section, the term “brightfield site” means a brownfield site that is redeveloped through the incorporation of 1 or more solar energy technologies.

(b) Demonstration program

On the application of an eligible recipient, the Secretary may make a grant for a project for the development of a brightfield site if the Secretary determines that the project will—

(1) use 1 or more solar energy technologies to develop abandoned or contaminated sites for commercial use; and

(2) improve the commercial and economic opportunities in the area in which the project is located.