

(Pub. L. 89-136, title V, § 507, as added Pub. L. 105-393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3611.)

Editorial Notes

PRIOR PROVISIONS

A prior section 507 of Pub. L. 89-136 was classified to section 3187 of this title prior to repeal by Pub. L. 97-35, § 1821(a)(8).

Prior sections 3201 to 3204 were repealed by Pub. L. 105-393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3597.

Section 3201, Pub. L. 89-136, title VI, § 601(a), Aug. 26, 1965, 79 Stat. 569; Pub. L. 97-195, § 1(c)(3), June 16, 1982, 96 Stat. 115, related to appointment of Assistant Secretary of Commerce and Administrator for Economic Development.

Section 3202, Pub. L. 89-136, title VI, § 602, Aug. 26, 1965, 79 Stat. 570, related to National Public Advisory Committee on Regional Economic Development.

Section 3203, Pub. L. 89-136, title VI, § 603, Aug. 26, 1965, 79 Stat. 570, authorized Secretary to consult with other persons and agencies.

Section 3204, Pub. L. 89-136, title VI, § 604, as added Pub. L. 90-103, title II, § 204, Oct. 11, 1967, 81 Stat. 268, conditioned assistance upon proper administration, operation, and maintenance of project.

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.

SUBCHAPTER VI—MISCELLANEOUS

§ 3211. Powers of Secretary

(a) In general

In carrying out the duties of the Secretary under this chapter, the Secretary may—

(1) adopt, alter, and use a seal, which shall be judicially noticed;

(2) subject to the civil service and classification laws, select, employ, appoint, and fix the compensation of such personnel as are necessary to carry out this chapter;

(3) hold such hearings, sit and act at such times and places, and take such testimony, as the Secretary determines to be appropriate;

(4) request directly, from any Federal agency, board, commission, office, or independent establishment, such information, suggestions, estimates, and statistics as the Secretary determines to be necessary to carry out this chapter (and each Federal agency, board, commission, office, or independent establishment may provide such information, suggestions, estimates, and statistics directly to the Secretary);

(5) under regulations promulgated by the Secretary—

(A) assign or sell at public or private sale, or otherwise dispose of for cash or credit, in the Secretary's discretion and on such terms and conditions and for such consideration as the Secretary determines to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by the Secretary in connection with assistance provided under this chapter; and

(B) collect or compromise all obligations assigned to or held by the Secretary in con-

nection with that assistance until such time as the obligations are referred to the Attorney General for suit or collection;

(6) deal with, complete, renovate, improve, modernize, insure, rent, or sell for cash or credit, on such terms and conditions and for such consideration as the Secretary determines to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary in connection with assistance provided under this chapter;

(7) pursue to final collection, by means of compromise or other administrative action, before referral to the Attorney General, all claims against third parties assigned to the Secretary in connection with assistance provided under this chapter;

(8) acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible), to the extent appropriate in connection with assistance provided under this chapter;

(9) in addition to any powers, functions, privileges, and immunities otherwise vested in the Secretary, take any action, including the procurement of the services of attorneys by contract, determined by the Secretary to be necessary or desirable in making, purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with assets held in connection with financial assistance provided under this chapter;

(10)(A) employ experts and consultants or organizations as authorized by section 3109 of title 5 except that contracts for such employment may be renewed annually;

(B) compensate individuals so employed, including compensation for travel time; and

(C) allow individuals so employed, while away from their homes or regular places of business, travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons employed intermittently in the Federal Government service;

(11) establish performance measures for grants and other assistance provided under this chapter, and use the performance measures to evaluate the economic impact of economic development assistance programs under this chapter, which establishment and use of performance measures shall be provided by the Secretary through—

(A) officers or employees of the Department;

(B) the employment of persons under contracts entered into for such purposes; or

(C) grants to persons, using funds made available to carry out this chapter;

(12) conduct environmental reviews and incur necessary expenses to evaluate and monitor the environmental impact of economic development assistance provided and proposed to be provided under this chapter, including expenses associated with the representation and defense of the actions of the Secretary relating to the environmental impact of the assistance, using any funds made available to carry out section 3147 of this title;

(13) sue and be sued in any court of record of a State having general jurisdiction or in any

United States district court, except that no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Secretary or the property of the Secretary; and

(14) establish such rules, regulations, and procedures as the Secretary considers appropriate for carrying out this chapter.

(b) Deficiency judgments

The authority under subsection (a)(7) to pursue claims shall include the authority to obtain deficiency judgments or otherwise pursue claims relating to mortgages assigned to the Secretary.

(c) Inapplicability of certain other requirements

Section 6101 of title 41 shall not apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of property obtained by the Secretary as a result of assistance provided under this chapter if the premium for the insurance or the amount of the services or supplies does not exceed \$1,000.

(d) Property interests

(1) In general

The powers of the Secretary under this section, relating to property acquired by the Secretary in connection with assistance provided under this chapter, shall extend to property interests of the Secretary relating to projects approved under—

(A) this chapter;

(B) title I of the Public Works Employment Act of 1976 (42 U.S.C. 6701 et seq.);

(C) title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); and

(D) the Community Emergency Drought Relief Act of 1977 (42 U.S.C. 5184 note; Public Law 95-31).

(2) Release

(A) In general

Except as provided in subparagraph (B), the Secretary may release, in whole or in part, any real property interest, or tangible personal property interest, in connection with a grant after the date that is 20 years after the date on which the grant was awarded.

(B) Certain releases

(i) In general

On written request from a recipient of a grant under section 3149(d) of this title, the Secretary shall release, in accordance with this subparagraph, any Federal interest in connection with the grant, if—

(I) the request is made not less than 7 years after the final disbursement of the original grant;

(II) the recipient has complied with the terms and conditions of the grant to the satisfaction of the Secretary;

(III) any proceeds realized from the grant will be used for 1 or more activities that continue to carry out the economic development purposes of this chapter; and

(IV) the recipient includes in the written request a description of how the recipient will use the proceeds of the grant in accordance with subclause (III).

(ii) Deadline

(I) In general

Except as provided in subclause (II), the Secretary shall complete all closeout actions for the grant by not later than 180 days after receipt and acceptance of the written request under clause (i).

(II) Extension

The Secretary may extend a deadline under subclause (I) by an additional 180 days if the Secretary determines the extension to be necessary.

(iii) Savings provision

Section 3212 of this title shall continue to apply to a project assisted with a grant under section 3149(d) of this title regardless of whether the Secretary releases a Federal interest under clause (i).

(e) Powers of conveyance and execution

The power to convey and to execute, in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest in such property acquired by the Secretary under this chapter may be exercised by the Secretary, or by any officer or agent appointed by the Secretary for that purpose, without the execution of any express delegation of power or power of attorney.

(Pub. L. 89-136, title VI, §601, as added Pub. L. 105-393, title I, §102(a), Nov. 13, 1998, 112 Stat. 3611; amended Pub. L. 116-192, §2, Oct. 30, 2020, 134 Stat. 978.)

Editorial Notes

REFERENCES IN TEXT

The Public Works Employment Act of 1976, referred to in subsec. (d)(1)(B), is Pub. L. 94-369, July 22, 1976, 90 Stat. 999. Title I of the Act, known as the Local Public Works Capital Development and Investment Act of 1976, is classified generally to subchapter I (§6701 et seq.) of chapter 80 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6701 of this title and Tables.

The Trade Act of 1974, referred to in subsec. (d)(1)(C), is Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978. Title II of the Act is classified generally to subchapter II (§2251 et seq.) of chapter 12 of Title 19, Customs Duties. For complete classification of this Act to the Code, see section 2101 of Title 19 and Tables.

The Community Emergency Drought Relief Act of 1977, referred to in subsec. (d)(1)(D), is Pub. L. 95-31, May 23, 1977, 91 Stat. 169. Title I of the Act is set out as a note under section 5184 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

In subsec. (c), “Section 6101 of title 41” substituted for “Section 3709 of the Revised Statutes (41 U.S.C. 5)” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

PRIOR PROVISIONS

A prior section 3211, Pub. L. 89-136, title VII, §701, Aug. 26, 1965, 79 Stat. 570, set forth powers of Secretary, prior to repeal by Pub. L. 105-393, §102(b)(3).

A prior section 601(a) of Pub. L. 89-136 was classified to section 3201 of this title prior to repeal by Pub. L. 105-393, §102(a).

AMENDMENTS

2020—Subsec. (d)(2). Pub. L. 116-192 designated existing provisions as subpar. (A), inserted heading, substituted “Except as provided in subparagraph (B), the Secretary may” for “The Secretary may”, and added subpar. (B).

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.

AUTHORIZATION FOR TEMPORARY PERSONNEL TO RESPOND TO CORONAVIRUS

Pub. L. 116-136, div. B, title II, Mar. 27, 2020, 134 Stat. 510, provided in part: “That the Secretary of Commerce is authorized to appoint and fix the compensation of such temporary personnel as may be necessary to implement the requirements under this heading [‘ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS’ under ‘ECONOMIC DEVELOPMENT ADMINISTRATION’] in this Act [div. B of Pub. L. 116-136] to prevent, prepare for, and respond to coronavirus, without regard to the provisions of title 5, United States Code, governing appointments in competitive service: *Provided further*, That the Secretary of Commerce is authorized to appoint such temporary personnel, after serving continuously for 2 years, to positions in the Economic Development Administration in the same manner that competitive service employees with competitive status are considered for transfer, reassignment, or promotion to such positions and an individual appointed under this provision shall become a career-conditional employee, unless the employee has already completed the service requirements for career tenure”.

[For definition of “coronavirus” as used in provision of title II of div. B of Pub. L. 116-136, set out above, see section 23005 of div. B of Pub. L. 116-136, set out as a note under section 162b of Title 2, The Congress.]

§ 3212. Maintenance of standards

All laborers and mechanics employed by contractors or subcontractors on projects assisted by the Secretary under this chapter 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 subchapter IV of chapter 31 of title 40. The Secretary shall not extend any financial assistance under this chapter for such a project 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 provision, 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. 89-136, title VI, § 602, formerly title VII, § 712, Aug. 26, 1965, 79 Stat. 575; Pub. L. 93-567, title III, § 302, Dec. 31, 1974, 88 Stat. 1855; renumbered title VI, § 602, and amended Pub. L. 105-393, title I, § 102(b)(1), (2), Nov. 13, 1998, 112 Stat. 3616; Pub. L. 108-373, title V, § 504, Oct. 27, 2004, 118 Stat. 1769.)

Editorial Notes

REFERENCES IN TEXT

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

CODIFICATION

Section was formerly classified to section 3222 of this title prior to renumbering by Pub. L. 105-393.

PRIOR PROVISIONS

A prior section 3212, Pub. L. 89-136, title VII, § 702, Aug. 26, 1965, 79 Stat. 572, related to prevention of unfair competition, prior to repeal by Pub. L. 105-393, § 102(b)(3).

A prior section 602 of Pub. L. 89-136 was classified to section 3202 of this title prior to repeal by Pub. L. 105-393, § 102(a).

AMENDMENTS

2004—Pub. L. 108-373 substituted “in accordance with subchapter IV of chapter 31 of title 40” for “in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5)” in first sentence and “section 3145 of title 40” for “section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)” in third sentence.

1998—Pub. L. 105-393, § 102(b)(2)(A), substituted section catchline for former section catchline.

Pub. L. 105-393, § 102(b)(2)(B), which directed amendment of text by substituting “this chapter” for “sections 3131, 3141, 3142, 3171, 3243, and 3246b of this title” in second sentence, was executed by making the substitution for phrase which began with “section 3131” rather than “sections 3131”, to reflect the probable intent of Congress.

1974—Pub. L. 93-567 inserted references to sections 3243 and 3236b of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-393 effective Feb. 11, 1999, see section 105 of Pub. L. 105-393, set out as an Effective Date note under section 3121 of this title.

§ 3213. Annual report to Congress

(a) In general

Not later than July 1, 2000, and July 1 of each year thereafter, the Secretary shall submit to Congress a comprehensive and detailed annual report on the activities of the Secretary under this chapter during the most recently completed fiscal year.

(b) Inclusions

Each report required under subsection (a) shall—

(1) include a list of all grant recipients by State, including the projected private sector dollar to Federal dollar investment ratio for each grant recipient;

(2) include a discussion of any private sector leveraging goal with respect to grants awarded to—

(A) rural and urban economically distressed areas; and

(B) highly distressed areas; and

(3) after the completion of a project, include the realized private sector dollar to Federal dollar investment ratio for the project.

(Pub. L. 89-136, title VI, § 603, as added Pub. L. 105-393, title I, § 102(a), Nov. 13, 1998, 112 Stat. 3614; amended Pub. L. 108-373, title VI, § 601, Oct. 27, 2004, 118 Stat. 1769.)

Editorial Notes

PRIOR PROVISIONS

A prior section 3213, Pub. L. 89-136, title VII, § 703, Aug. 26, 1965, 79 Stat. 572, set forth savings provisions, prior to repeal by Pub. L. 105-393, § 102(b)(3).