

amended Pub. L. 105-86, title III, Nov. 18, 1997, 111 Stat. 2094; Pub. L. 106-472, title III, §§ 304(b), 305(b), Nov. 9, 2000, 114 Stat. 2071; Pub. L. 107-171, title VI, § 6026(a), May 13, 2002, 116 Stat. 372; Pub. L. 110-234, title VI, § 6012(b)(4), May 22, 2008, 122 Stat. 1165; Pub. L. 110-246, § 4(a), title VI, § 6012(b)(4), June 18, 2008, 122 Stat. 1664, 1927.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (d)(3)(B). Pub. L. 110-246, § 6012(b)(4), substituted “1932(a)(2)(A)” for “1932(a)(1)”.

2002—Subsec. (b)(4), (5). Pub. L. 107-171, § 6026(a)(1), redesignated par. (5) as (4) and struck out former par. (4) which read as follows: “The national reserve account.”

Subsec. (e). Pub. L. 107-171, § 6026(a)(2), (3), redesignated subsec. (f) as (e) and struck out heading and text of former subsec. (e) which related to national reserve account.

Subsec. (f). Pub. L. 107-171, § 6026(a)(3), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Subsecs. (g), (h). Pub. L. 107-171, § 6026(a)(3), (4), redesignated subsec. (h) as (g) and substituted “subsection (f) of this section” for “subsection (g) of this section”. Former subsec. (g) redesignated (f).

2000—Subsec. (d)(1)(B). Pub. L. 106-472, § 305(b), substituted “paragraph (19), (20), or (21)” for “paragraph (19) or (20)”.

Pub. L. 106-472, § 304(b), substituted “paragraph (19) or (20) of section 1926(a)” for “section 1926(a)(19)”.

1997—Subsec. (d)(3)(B). Pub. L. 105-86 inserted “direct and” after “business and industry”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

TRANSFER OF ACCOUNT BALANCES

Pub. L. 112-55, div. A, title VII, § 747, Nov. 18, 2011, 125 Stat. 590, provided that: “For 2012 and subsequent fiscal years—

“(1) Any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108-447 and Public Law 109-97 and a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109-97 and Public Law 110-5 shall be transferred to and merged with the ‘Rural Housing Service, Multi-family Housing Revitalization Program Account’;

“(2) Any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by section 306 [7 U.S.C. 1926] and described in section 381E(d)(1) [7 U.S.C. 2009d(d)(1)] of such Act [probably means title III of Pub. L. 87-128, known as the Consolidated Farm and Rural Development Act, which is classified principally to this chapter] be transferred and merged with the ‘Rural Community Facilities Program Account’ and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines are appropriate to transfer;

“(3) Any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by sections 306 and 310B [7 U.S.C. 1926, 1932] and described in sections 310B(f) and 381E(d)(3) of such Act be transferred and merged with the ‘Rural Business Program Account’ and any other

prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines are appropriate to transfer; and

“(4) Any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B [7 U.S.C. 1926, 1926a, 1926c, 1926d, 1926e, 1932] and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of such Act be transferred to and merged with the ‘Rural Water and Waste Disposal Program Account’ and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines are appropriate to transfer.”

§ 2009e. Transfers of funds

(a) General authority

Subject to subsection (b) of this section, the State Director¹ of any State may, during any fiscal year, transfer from each account specified in section 2009d(c) of this title a total of not more than 25 percent of the amount in the account that is allocated for the State for the fiscal year to any other account in which amounts are allocated for the State for the fiscal year.

(b) Limitation

Except as provided in subsection (c) of this section, a transfer otherwise authorized by subsection (a) of this section to be made during a fiscal year may not be made to the extent that the sum of the amount to be transferred and all amounts so transferred by State directors under subsection (a) of this section during the fiscal year exceeds 10 percent of the total amount made available to carry out the authorities described in section 2009d(d) of this title for the fiscal year.

(c) Exceptions

Subsections (a) and (b) of this section shall not apply to a transfer of funds by a State director if the State director certifies to the Secretary that—

(1) there is an approved application for a project in the function category to which the funds are to be transferred but funds are not available for the project in the function category; and

(2)(A) there is no such approved application in the function category from which the funds are to be transferred; or

(B) the community that would benefit from the project has a smaller population and a lesser per capita income than any community that would benefit from a project in the function category from which the funds are to be transferred.

(Pub. L. 87-128, title III, § 381F, as added Pub. L. 104-127, title VII, § 761, Apr. 4, 1996, 110 Stat. 1142.)

§ 2009f. Grants to States

(a) Simple grants

(1) Mandatory grant

The Secretary shall make a grant to any eligible State for any fiscal year for which the State requests a grant under this section in an amount equal to 5 percent of the total amount

¹ So in original. Probably should not be capitalized.