

thority, with the approval of the Federal co-chairperson and with respect to a project to be carried out in the region—

(1) may increase the Federal share of the costs of a project under any Federal grant program to not more than 90 percent (except as provided in section 2009bb-5(b) of this title); and

(2) shall use amounts made available to carry out this subchapter to pay the increased Federal share.

(c) Certifications

(1) In general

In the case of any project for which all or any portion of the basic Federal share of the costs of the project is proposed to be paid under this section, no Federal contribution shall be made until the Federal official administering the Federal law that authorizes the Federal grant program certifies that the project—

(A) meets (except as provided in subsection (b) of this section) the applicable requirements of the applicable Federal grant program; and

(B) could be approved for Federal contribution under the Federal grant program if funds were available under the law for the project.

(2) Certification by Authority

(A) In general

The certifications and determinations required to be made by the Authority for approval of projects under this Act in accordance with section 2009bb-8 of this title—

(i) shall be controlling; and

(ii) shall be accepted by the Federal agencies.

(B) Acceptance by Federal cochairperson

In the case of any project described in paragraph (1), any finding, report, certification, or documentation required to be submitted with respect to the project to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of the Federal grant program under which the project is carried out shall be accepted by the Federal cochairperson.

(Pub. L. 87-128, title III, § 383E, formerly § 383D, as added Pub. L. 107-171, title VI, § 6028, May 13, 2002, 116 Stat. 381; renumbered § 383E and amended Pub. L. 110-234, title VI, § 6026(c)(1)(A), (2)(C), (e), May 22, 2008, 122 Stat. 1178-1180, and Pub. L. 110-246, § 4(a), title VI, § 6026(c)(1)(A), (2)(C), (e), June 18, 2008, 122 Stat. 1664, 1940, 1941.)

REFERENCES IN TEXT

This Act, referred to in subsec. (c)(2)(A), refers to the Agricultural Act of 1961, Pub. L. 87-128, Aug. 8, 1961, 75 Stat. 294, as amended. For classification of this Act to the Code, see Short Title note set out under section 1911 of this title and Tables. However, the reference was probably intended to be “this title” meaning the Consolidated Farm and Rural Development Act, title III of Pub. L. 87-128, as amended, which is classified principally to this chapter. For classification of this title to the Code, see Short Title note set out under section 1921 of this title and Tables.

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.

PRIOR PROVISIONS

A prior section 383E of Pub. L. 87-128, title III, was renumbered section 383F and is classified to section 2009bb-4 of this title.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, § 6026(e), struck out “, including local development districts,” after “region” in introductory provisions.

Subsec. (b)(1). Pub. L. 110-246, § 6026(c)(2)(C)(i), made technical amendment to reference in original act which appears in text as reference to section 2009bb-5(b) of this title.

Subsec. (c)(2)(A). Pub. L. 110-246, § 6026(c)(2)(C)(ii), made technical amendment to reference in original act which appears in introductory provisions as reference to section 2009bb-8 of this title.

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.

§ 2009bb-4. Multistate and local development districts and organizations and Northern Great Plains Inc.

(a) Definition of multistate and local development district or organization

In this section, the term “multistate and local development district or organization” means an entity—

(1) that—

(A) is a planning district in existence on May 13, 2002, that is recognized by the Economic Development Administration of the Department of Commerce; or

(B) is—

(i) organized and operated in a manner that ensures broad-based community participation and an effective opportunity for other nonprofit groups to contribute to the development and implementation of programs in the region;

(ii) a nonprofit incorporated body organized or chartered under the law of the State in which the entity is located;

(iii) a nonprofit agency or instrumentality of a State or local government;

(iv) a public organization established before May 13, 2002, under State law for creation of multijurisdictional, area-wide planning organizations;

(v) a nonprofit agency or instrumentality of a State that was established for the purpose of assisting with multistate cooperation; or

(vi) a nonprofit association or combination of bodies, agencies, and instrumentalities described in clauses (ii) through (v); and

(2) that has not, as certified by the Authority (in consultation with the Federal cochairperson or Secretary, as appropriate)—

(A) inappropriately used Federal grant funds from any Federal source; or

(B) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

(b) Grants to multistate, local, or regional development districts and organizations

(1) In general

The Authority may make grants for administrative expenses under this section to multistate, local, and regional development districts and organizations.

(2) Conditions for grants

(A) Maximum amount

The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the multistate, local, or regional development district or organization receiving the grant.

(B) Maximum period

No grant described in paragraph (1) shall be awarded for a period greater than 3 years.

(3) Local share

The contributions of a multistate, local, or regional development district or organization for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

(c) Duties

(1) In general

Except as provided in paragraph (2), a local development district shall operate as a lead organization serving multicounty areas in the region at the local level.

(2) Designation

The Federal cochairperson may designate an Indian tribe or multijurisdictional organization to serve as a lead organization in such cases as the Federal cochairperson or Secretary, as appropriate, determines appropriate.

(d) Northern Great Plains Inc.

Northern Great Plains Inc., a nonprofit corporation incorporated in the State of Minnesota to implement the recommendations of the Northern Great Plains Rural Development Commission established by the Northern Great Plains Rural Development Act (7 U.S.C. 2661 note; Public Law 103-318)—

(1) shall serve as an independent, primary resource for the Authority on issues of concern to the region;

(2) shall advise the Authority on development of international trade;

(3) may provide research, education, training, and other support to the Authority; and

(4) may carry out other activities on its own behalf or on behalf of other entities.

(Pub. L. 87-128, title III, § 383F, formerly § 383E, as added Pub. L. 107-171, title VI, § 6028, May 13, 2002, 116 Stat. 382; renumbered § 383F and amended Pub. L. 110-234, title VI, § 6026(c)(1)(A), (f), May 22, 2008, 122 Stat. 1178, 1180, and Pub. L. 110-246, § 4(a), title VI, § 6026(c)(1)(A), (f), June 18, 2008, 122 Stat. 1664, 1940, 1941.)

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.

PRIOR PROVISIONS

A prior section 383F of Pub. L. 87-128, title III, was renumbered section 383G and is classified to section 2009bb-5 of this title.

AMENDMENTS

2008—Pub. L. 110-246, § 6026(f)(1), substituted “Multistate and local” for “Local” in section catchline.

Subsecs. (a) to (c). Pub. L. 110-246, § 6026(f)(2), added subsecs. (a) to (c) and struck out former subsecs. (a) to (c) which related to definition of local development district, grants to local development districts, and duties of local development districts, respectively.

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.

§ 2009bb-5. Distressed counties and areas and nondistressed counties

(a) Designations

Not later than 90 days after May 13, 2002, and annually thereafter, the Authority, in accordance with such criteria as the Authority may establish, shall designate—

(1) as distressed counties, counties in the region that are the most severely and persistently distressed and underdeveloped and have high rates of poverty, unemployment, or outmigration;

(2) as nondistressed counties, counties in the region that are not designated as distressed counties under paragraph (1); and

(3) as isolated areas of distress, areas located in nondistressed counties (as designated under paragraph (2)) that have high rates of poverty, unemployment, or outmigration.

(b) Distressed counties

(1) In general

The Authority shall allocate at least 50 percent of the appropriations made available under section 2009bb-12 of this title for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

(2) Funding limitations

The funding limitations under section 2009bb-3(b) of this title shall not apply to a project to provide transportation or telecommunication or basic public services to residents of 1 or more distressed counties or isolated areas of distress in the region.

(c) Transportation, telecommunication¹ renewable energy,¹ and basic public infrastructure

The Authority shall allocate at least 50 percent of any funds made available under section 2009bb-12 of this title for transportation, telecommunication,¹ renewable energy, and basic public infrastructure projects authorized under

¹ So in original.