

community development groups, the business community, and the public;

(3) serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens; and

(4) assist the individuals and entities described in paragraph (3) in identifying, assessing, and facilitating projects and programs to promote the economic development of the region.

(Added Pub. L. 110-234, title XIV, §14217(a)(2), May 22, 2008, 122 Stat. 1477, and Pub. L. 110-246, §4(a), title XIV, §14217(a)(2), June 18, 2008, 122 Stat. 1664, 2239.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

§ 15506. Supplements to Federal grant programs

(a) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

(1) they lack the economic resources to provide the required matching share; or

(2) there are insufficient funds available under the applicable Federal law with respect to a project to be carried out in the region.

(b) FEDERAL GRANT PROGRAM FUNDING.—A Commission, with the approval of the Federal Cochairperson, may use amounts made available to carry out this subtitle—

(1) for any part of the basic Federal contribution to projects or activities under the Federal grant programs authorized by Federal laws; and

(2) to increase the Federal contribution to projects and activities under the programs above the fixed maximum part of the cost of the projects or activities otherwise authorized by the applicable law.

(c) CERTIFICATION REQUIRED.—For a program, project, or activity for which any part of the basic Federal contribution to the project or activity under a Federal grant program is proposed to be made under subsection (b), the Federal contribution shall not be made until the responsible Federal official administering the Federal law authorizing the Federal contribution certifies that the program, project, or activity meets the applicable requirements of the Federal law and could be approved for Federal contribution under that law if amounts were available under the law for the program, project, or activity.

(d) LIMITATIONS IN OTHER LAWS INAPPLICABLE.—Amounts provided pursuant to this subtitle are available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other law.

(e) FEDERAL SHARE.—The Federal share of the cost of a project or activity receiving assistance under this section shall not exceed 80 percent.

(f) MAXIMUM COMMISSION CONTRIBUTION.—Section 15501(d), relating to limitations on Commis-

sion contributions, shall apply to a program, project, or activity receiving assistance under this section.

(Added Pub. L. 110-234, title XIV, §14217(a)(2), May 22, 2008, 122 Stat. 1477, and Pub. L. 110-246, §4(a), title XIV, §14217(a)(2), June 18, 2008, 122 Stat. 1664, 2239.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

CHAPTER 4¹—ADMINISTRATIVE PROVISIONS

SUBCHAPTER I—GENERAL PROVISIONS

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SUBCHAPTER I—GENERAL PROVISIONS

§ 15701. Consent of States

This subtitle does not require a State to engage in or accept a program under this subtitle without its consent.

(Added Pub. L. 110-234, title XIV, §14217(a)(2), May 22, 2008, 122 Stat. 1479, and Pub. L. 110-246, §4(a), title XIV, §14217(a)(2), June 18, 2008, 122 Stat. 1664, 2241.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE

Chapter effective on the first day of the first fiscal year beginning after June 18, 2008, see section 14217(d) of Pub. L. 110-246, set out as a note under section 15101 of this title.

§ 15702. Distressed counties and areas

(a) DESIGNATIONS.—Not later than 90 days after the date of the enactment of this section, and annually thereafter, each Commission shall make the following designations:

(1) DISTRESSED COUNTIES.—The Commission shall designate as distressed counties those counties in its region that are the most severely and persistently economically distressed and underdeveloped and have high rates of poverty, unemployment, or outmigration.

(2) TRANSITIONAL COUNTIES.—The Commission shall designate as transitional counties those counties in its region that are economi-

¹ So in original. Probably should be "157".

cally distressed and underdeveloped or have recently suffered high rates of poverty, unemployment, or outmigration.

(3) **ATTAINMENT COUNTIES.**—The Commission shall designate as attainment counties, those counties in its region that are not designated as distressed or transitional counties under this subsection.

(4) **ISOLATED AREAS OF DISTRESS.**—The Commission shall designate as isolated areas of distress, areas located in counties designated as attainment counties under paragraph (3) that have high rates of poverty, unemployment, or outmigration.

(b) **ALLOCATION.**—A Commission shall allocate at least 50 percent of the appropriations made available to the Commission to carry out this subtitle for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

(c) **ATTAINMENT COUNTIES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), funds may not be provided under this subtitle for a project located in a county designated as an attainment county under subsection (a).

(2) **EXCEPTIONS.**—

(A) **ADMINISTRATIVE EXPENSES OF LOCAL DEVELOPMENT DISTRICTS.**—The funding prohibition under paragraph (1) shall not apply to grants to fund the administrative expenses of local development districts under section 15505.

(B) **MULTICOUNTY AND OTHER PROJECTS.**—A Commission may waive the application of the funding prohibition under paragraph (1) with respect to—

(i) a multicounty project that includes participation by an attainment county; and

(ii) any other type of project, if a Commission determines that the project could bring significant benefits to areas of the region outside an attainment county.

(3) **ISOLATED AREAS OF DISTRESS.**—For a designation of an isolated area of distress to be effective, the designation shall be supported—

(A) by the most recent Federal data available; or

(B) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

(Added Pub. L. 110-234, title XIV, §14217(a)(2), May 22, 2008, 122 Stat. 1479, and Pub. L. 110-246, §4(a), title XIV, §14217(a)(2), June 18, 2008, 122 Stat. 1664, 2241.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (a), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

§ 15703. Counties eligible for assistance in more than one region

(a) **LIMITATION.**—A political subdivision of a State may not receive assistance under this sub-

title in a fiscal year from more than one Commission.

(b) **SELECTION OF COMMISSION.**—A political subdivision included in the region of more than one Commission shall select the Commission with which it will participate by notifying, in writing, the Federal Cochairperson and the appropriate State member of that Commission.

(c) **CHANGES IN SELECTIONS.**—The selection of a Commission by a political subdivision shall apply in the fiscal year in which the selection is made, and shall apply in each subsequent fiscal year unless the political subdivision, at least 90 days before the first day of the fiscal year, notifies the Cochairpersons of another Commission in writing that the political subdivision will participate in that Commission and also transmits a copy of such notification to the Cochairpersons of the Commission in which the political subdivision is currently participating.

(d) **INCLUSION OF APPALACHIAN REGIONAL COMMISSION.**—In this section, the term “Commission” includes the Appalachian Regional Commission established under chapter 143.

(Added Pub. L. 110-234, title XIV, §14217(a)(2), May 22, 2008, 122 Stat. 1480, and Pub. L. 110-246, §4(a), title XIV, §14217(a)(2), June 18, 2008, 122 Stat. 1664, 2242.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

§ 15704. Inspector General; records

(a) **APPOINTMENT OF INSPECTOR GENERAL.**—There shall be an Inspector General for the Commissions appointed in accordance with section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.). All of the Commissions shall be subject to a single Inspector General.

(b) **RECORDS OF A COMMISSION.**—

(1) **IN GENERAL.**—A Commission shall maintain accurate and complete records of all its transactions and activities.

(2) **AVAILABILITY.**—All records of a Commission shall be available for audit and examination by the Inspector General (including authorized representatives of the Inspector General).

(c) **RECORDS OF RECIPIENTS OF COMMISSION ASSISTANCE.**—

(1) **IN GENERAL.**—A recipient of funds from a Commission under this subtitle shall maintain accurate and complete records of transactions and activities financed with the funds and report to the Commission on the transactions and activities.

(2) **AVAILABILITY.**—All records required under paragraph (1) shall be available for audit by the Commission and the Inspector General (including authorized representatives of the Commission and the Inspector General).

(d) **ANNUAL AUDIT.**—The Inspector General shall audit the activities, transactions, and records of each Commission on an annual basis.

(Added Pub. L. 110-234, title XIV, §14217(a)(2), May 22, 2008, 122 Stat. 1480, and Pub. L. 110-246, §4(a), title XIV, §14217(a)(2), June 18, 2008, 122 Stat. 1664, 2242.)