

the Authority shall follow procedures that ensure, to the maximum extent practicable, consideration of—

(1) the relationship of the project or class of projects to overall multistate or regional development;

(2) the per capita income and poverty and unemployment and outmigration rates in an area;

(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

(4) the importance of the project or class of projects in relation to other projects or classes of projects that may be in competition for the same funds;

(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area to be served by the project; and

(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

**(b) No relocation assistance**

No financial assistance authorized by this subchapter shall be used to assist a person or entity in relocating from one area to another, except that financial assistance may be used as otherwise authorized by this chapter to attract businesses from outside the region to the region.

**(c) Maintenance of effort**

Funds may be provided for a program or project in a State under this subchapter only if the Authority determines that the level of Federal or State financial assistance provided under a law other than this subchapter, for the same type of program or project in the same area of the State within the region, will not be reduced as a result of funds made available by this subchapter.

(Pub. L. 87-128, title III, § 383I, formerly § 383H, as added Pub. L. 107-171, title VI, § 6028, May 13, 2002, 116 Stat. 385; renumbered § 383I and amended Pub. L. 110-234, title VI, § 6026(c)(1)(A), (i), May 22, 2008, 122 Stat. 1178, 1181, and Pub. L. 110-246, § 4(a), title VI, § 6026(c)(1)(A), (i), June 18, 2008, 122 Stat. 1664, 1940, 1943.)

REFERENCES IN TEXT

For definition of “this chapter”, referred to in subsec. (b), see note set out under section 1921 of this title.

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 L. 110-234 were repealed by section 4(a) of Pub.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 383I of Pub. L. 87-128, title III, was renumbered section 383J and is classified to section 2009bb-8 of this title.

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110-246, § 6026(i), inserted “multistate or” before “regional”.

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-8. Approval of development plans and projects**

**(a) In general**

A State or regional development plan or any multistate subregional plan that is proposed for development under this subchapter shall be reviewed by the Authority.

**(b) Evaluation by State member**

An application for a grant or any other assistance for a project under this subchapter shall be made through and evaluated for approval by the State member of the Authority representing the applicant.

**(c) Certification**

An application for a grant or other assistance for a project shall be approved only on certification by the State member that the application for the project—

(1) describes ways in which the project complies with any applicable State development plan;

(2) meets applicable criteria under section 2009bb-7 of this title;

(3) provides adequate assurance that the proposed project will be properly administered, operated, and maintained; and

(4) otherwise meets the requirements of this subchapter.

**(d) Votes for decisions**

On certification by a State member of the Authority of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Authority under section 2009bb-1(c) of this title shall be required for approval of the application.

(Pub. L. 87-128, title III, § 383J, formerly § 383I, as added Pub. L. 107-171, title VI, § 6028, May 13, 2002, 116 Stat. 386; renumbered § 383J and amended Pub. L. 110-234, title VI, § 6026(c)(1)(A), (2)(E), May 22, 2008, 122 Stat. 1178, 1179, and Pub. L. 110-246, § 4(a), title VI, § 6026(c)(1)(A), (2)(E), 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 383J of Pub. L. 87-128, title III, was renumbered section 383K and is classified to section 2009bb-9 of this title.

AMENDMENTS

2008—Subsec. (c)(2). Pub. L. 110-246, § 6026(c)(2)(E), made technical amendment to reference in original act which appears in text as reference to section 2009bb-7 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-9. Consent of States

Nothing in this subchapter requires any State to engage in or accept any program under this subchapter without the consent of the State.

(Pub. L. 87-128, title III, §383K, formerly §383J, as added Pub. L. 107-171, title VI, §6028, May 13, 2002, 116 Stat. 386; renumbered §383K, Pub. L. 110-234, title VI, §6026(c)(1)(A), May 22, 2008, 122 Stat. 1178, and Pub. L. 110-246, §4(a), title VI, §6026(c)(1)(A), June 18, 2008, 122 Stat. 1664, 1940.)

#### 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 383K of Pub. L. 87-128, title III, was renumbered section 383L and is classified to section 2009bb-10 of this title.

### § 2009bb-10. Records

#### (a) Records of the Authority

##### (1) In general

The Authority shall maintain accurate and complete records of all transactions and activities of the Authority.

##### (2) Availability

All records of the Authority shall be available for audit and examination by the Comptroller General of the United States and the Inspector General of the Department of Agriculture (including authorized representatives of the Comptroller General and the Inspector General of the Department of Agriculture).

#### (b) Records of recipients of Federal assistance

##### (1) In general

A recipient of Federal funds under this subchapter shall, as required by the Authority, maintain accurate and complete records of transactions and activities financed with Federal funds and report to the Authority on the transactions and activities to the Authority.

##### (2) Availability

All records required under paragraph (1) shall be available for audit by the Comptroller General of the United States, the Inspector General of the Department of Agriculture, and the Authority (including authorized representatives of the Comptroller General, the Inspector General of the Department of Agriculture, and the Authority).

#### (c) Annual audit

The Inspector General of the Department of Agriculture shall audit the activities, transactions, and records of the Authority on an annual basis.

(Pub. L. 87-128, title III, §383L, formerly §383K, as added Pub. L. 107-171, title VI, §6028, May 13, 2002, 116 Stat. 386; renumbered §383L, Pub. L. 110-234, title VI, §6026(c)(1)(A), May 22, 2008, 122 Stat. 1178, and Pub. L. 110-246, §4(a), title VI, §6026(c)(1)(A), June 18, 2008, 122 Stat. 1664, 1940.)

#### 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 383L of Pub. L. 87-128, title III, was renumbered section 383M and is classified to section 2009bb-11 of this title.

### § 2009bb-11. Annual report

Not later than 180 days after the end of each fiscal year, the Authority shall submit to the President and to Congress a report describing the activities carried out under this subchapter.

(Pub. L. 87-128, title III, §383M, formerly §383L, as added Pub. L. 107-171, title VI, §6028, May 13, 2002, 116 Stat. 387; renumbered §383M, Pub. L. 110-234, title VI, §6026(c)(1)(A), May 22, 2008, 122 Stat. 1178, and Pub. L. 110-246, §4(a), title VI, §6026(c)(1)(A), June 18, 2008, 122 Stat. 1664, 1940.)

#### 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 383M of Pub. L. 87-128, title III, was renumbered section 383N and is classified to section 2009bb-12 of this title.

### § 2009bb-12. Authorization of appropriations

#### (a) In general

There is authorized to be appropriated to the Authority to carry out this subchapter \$30,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

#### (b) Administrative expenses

Not more than 5 percent of the amount appropriated under subsection (a) of this section for a fiscal year shall be used for administrative expenses of the Authority.

#### (c) Minimum State share of grants

Notwithstanding any other provision of this subchapter, for any fiscal year, the aggregate amount of grants received by a State and all persons or entities in the State under this subchapter shall be not less than  $\frac{1}{3}$  of the product obtained by multiplying—

(1) the aggregate amount of grants under this subchapter for the fiscal year; and

(2) the ratio that—

(A) the population of the State (as determined by the Secretary of Commerce based on the most recent decennial census for which data are available); bears to

(B) the population of the region (as so determined).

(Pub. L. 87-128, title III, §383N, formerly §383M, as added Pub. L. 107-171, title VI, §6028, May 13, 2002, 116 Stat. 387; renumbered §383N and amended Pub. L. 110-234, title VI, §6026(c)(1)(A), (j), May 22, 2008, 122 Stat. 1178, 1182, and Pub. L. 110-246, §4(a), title VI, §6026(c)(1)(A), (j), June 18, 2008, 122 Stat. 1664, 1940, 1943.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub.