

(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Authority that the interest is not so substantial as to be likely to affect the integrity of the services that the Authority may expect from the State member, alternate, officer, or employee.

**(3) Violation**

Any person that violates this subsection shall be fined not more than \$10,000, imprisoned not more than 2 years, or both.

**(j) Validity of contracts, loans, and grants**

The Authority may declare void any contract, loan, or grant of or by the Authority in relation to which the Authority determines that there has been a violation of any provision under subsection (h)(4), subsection (i), or sections 202 through 209 of title 18.

(Pub. L. 87-128, title III, §382B, as added Pub. L. 106-554, §1(a)(4) [div. B, title V, §503], Dec. 21, 2000, 114 Stat. 2763, 2763A-269; amended Pub. L. 107-171, title VI, §6027(a), (b), May 13, 2002, 116 Stat. 373; Pub. L. 108-447, div. C, title V, §506, Dec. 8, 2004, 118 Stat. 2963; Pub. L. 111-85, title IV, §402, Oct. 28, 2009, 123 Stat. 2878.)

AMENDMENTS

2009—Subsec. (c)(1). Pub. L. 111-85, which directed amendment of section 382B(c) of the Delta Regional Authority Act of 2000 by adding par. (1) and striking out former par. (1), was executed to this section, which is section 382B of the Consolidated Farm and Rural Development Act, to reflect the probable intent of Congress. Prior to amendment, text read as follows:

“(A) TEMPORARY METHOD.—During the period beginning on May 13, 2002, and ending on December 31, 2008, a decision by the Authority shall require the affirmative vote of the Federal cochairperson and a majority of the State members (not including any member representing a State that is delinquent under subsection (g)(2)(C) of this section) to be effective.

“(B) PERMANENT METHOD.—Effective beginning on January 1, 2009, a decision by the Authority shall require a majority vote of the Authority (not including any member representing a State that is delinquent under subsection (g)(2)(C) of this section) to be effective.”

2004—Subsec. (c)(1)(A). Pub. L. 108-447, §506(1), substituted “2008” for “2004”.

Subsec. (c)(1)(B). Pub. L. 108-447, §506(2), substituted “2009” for “2005”.

2002—Subsec. (c)(1). Pub. L. 107-171, §6027(a), added par. (1) and struck out heading and text of former par. (1). Text read as follows: “A decision by the Authority shall require a majority vote of the Authority (not including any member representing a State that is delinquent under subsection (g)(2)(C) of this section) to be effective.”

Subsec. (e)(4). Pub. L. 107-171, §6027(b), substituted “, rules, and regulations” for “and rules”.

**§ 2009aa-2. Economic and community development grants**

**(a) In general**

The Authority may approve grants to States and public and nonprofit entities for projects, approved in accordance with section 2009aa-8 of this title—

(1) to develop the transportation infrastructure of the region for the purpose of facilitating economic development in the region (ex-

cept that grants for this purpose may only be made to a State or local government);

(2) to assist the region in obtaining the job training, employment-related education, and business development (with an emphasis on entrepreneurship) that are needed to build and maintain strong local economies;

(3) to provide assistance to severely distressed and underdeveloped areas that lack financial resources for improving basic public services;

(4) to provide assistance to severely distressed and underdeveloped areas that lack financial resources for equipping industrial parks and related facilities; and

(5) to otherwise achieve the purposes of this subchapter.

**(b) Funding**

**(1) In general**

Funds for grants under subsection (a) may be provided—

(A) entirely from appropriations to carry out this section;

(B) in combination with funds available under another Federal or Federal grant program; or

(C) from any other source.

**(2) Priority of funding**

To best build the foundations for long-term economic development and to complement other Federal and State resources in the region, Federal funds available under this subchapter shall be focused on the activities in the following order or priority:

(A) Basic public infrastructure in distressed counties and isolated areas of distress.

(B) Transportation infrastructure for the purpose of facilitating economic development in the region.

(C) Business development, with emphasis on entrepreneurship.

(D) Job training or employment-related education, with emphasis on use of existing public educational institutions located in the region.

(Pub. L. 87-128, title III, §382C, as added Pub. L. 106-554, §1(a)(4) [div. B, title V, §503], Dec. 21, 2000, 114 Stat. 2763, 2763A-274; amended Pub. L. 107-171, title VI, §6027(c), May 13, 2002, 116 Stat. 373.)

AMENDMENTS

2002—Subsec. (b)(3). Pub. L. 107-171 struck out heading and text of par. (3). Text read as follows: “Notwithstanding any provision of law limiting the Federal share in any grant program, funds appropriated to carry out this section may be used to increase a Federal share in a grant program, as the Authority determines appropriate.”

**§ 2009aa-3. 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) the States or communities lack the economic resources to provide the required matching share; or

(2) there are insufficient funds available under the applicable Federal law authorizing the Federal grant program to meet pressing needs of the region.

**(b) Federal grant program funding**

Notwithstanding any provision of law limiting the Federal share, the areas eligible for assistance, or the authorizations of appropriations of any Federal grant program, and in accordance with subsection (c), the Authority, with the approval of the Federal cochairperson 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 the Federal grant program to not more than 90 percent (except as provided in section 2009aa-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)) 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 2009aa-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, §382D, as added Pub. L. 106-554, §1(a)(4) [div. B, title V, §503], Dec. 21, 2000, 114 Stat. 2763, 2763A-275; amended Pub. L. 107-171, title VI, §6027(d), May 13, 2002, 116 Stat. 373.)

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.

AMENDMENTS

2002—Pub. L. 107-171 reenacted section catchline without change and amended text generally to clarify provisions relating to supplements to Federal grant programs.

**§ 2009aa-4. Local development districts; certification and administrative expenses**

**(a) Definition of local development district**

In this section, the term “local development district” means an entity that—

(1) is—

(A) a planning district in existence on December 21, 2000, that is recognized by the Economic Development Administration of the Department of Commerce; or

(B) where an entity described in subparagraph (A) does not exist—

(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) governed by a policy board with at least a simple majority of members consisting of elected officials or employees of a general purpose unit of local government who have been appointed to represent the government;

(iii) certified to the Authority as having a charter or authority that includes the economic development of counties or parts of counties or other political subdivisions within the region—

(I) by the Governor of each State in which the entity is located; or

(II) by the State officer designated by the appropriate State law to make the certification; and

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

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

(III) a public organization established before December 21, 2000, under State law for creation of multi-jurisdictional, area-wide planning organizations; or

(IV) a nonprofit association or combination of bodies, agencies, and instrumentalities described in subclauses (I) through (III); and

(2) has not, as certified by the Federal cochairperson—

(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.