

and priorities identified in the regional development plan developed under section 2009aa-1(d)(2) of this title.

**(c) Consultation with interested local parties**

In carrying out the development planning process (including the selection of programs and projects for assistance), a State may—

- (1) consult with—
  - (A) local development districts; and
  - (B) local units of government; and

- (2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

**(d) Public participation**

**(1) In general**

The Authority and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subchapter.

**(2) Regulations**

The Authority shall develop guidelines for providing public participation described in paragraph (1), including public hearings.

(Pub. L. 87-128, title III, §382G, as added Pub. L. 106-554, §1(a)(4) [div. B, title V, §503], Dec. 21, 2000, 114 Stat. 2763, 2763A-278.)

**§ 2009aa-7. Program development criteria**

**(a) In general**

In considering programs and projects to be provided assistance under this subchapter, and in establishing a priority ranking of the requests for assistance provided by the Authority, 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 regional development;
- (2) the per capita income and poverty and unemployment 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 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) Reduction of funds**

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, §382H, as added Pub. L. 106-554, §1(a)(4) [div. B, title V, §503], Dec. 21, 2000, 114 Stat. 2763, 2763A-279.)

REFERENCES IN TEXT

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

**§ 2009aa-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 and approved 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 2009aa-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) Approval of grant applications**

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 2009aa-1(c) of this title shall be required for approval of the application.

(Pub. L. 87-128, title III, §382I, as added Pub. L. 106-554, §1(a)(4) [div. B, title V, §503], Dec. 21, 2000, 114 Stat. 2763, 2763A-279; amended Pub. L. 107-171, title VI, §6027(f), May 13, 2002, 116 Stat. 374.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-171, §6027(f)(1), inserted “and approved” after “reviewed”.

Subsec. (d). Pub. L. 107-171, §6027(f)(2), substituted “Approval of grant applications” for “Votes for decisions” in heading.

**§ 2009aa-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, §382J, as added Pub. L. 106-554, §1(a)(4) [div. B, title V, §503], Dec. 21, 2000, 114 Stat. 2763, 2763A-280.)

**§ 2009aa-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 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).

(Pub. L. 87-128, title III, §382K, as added Pub. L. 106-554, §1(a)(4) [div. B, title V, §503], Dec. 21, 2000, 114 Stat. 2763, 2763A-280; amended Pub. L. 111-8, div. A, title VII, §733, Mar. 11, 2009, 123 Stat. 558.)

## AMENDMENTS

2009—Pub. L. 111-8 struck out subsec. (c). Text read as follows: “The Inspector General of the Department of Agriculture shall audit the activities, transactions, and records of the Authority on an annual basis.”

**§ 2009aa-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, §382L, as added Pub. L. 106-554, §1(a)(4) [div. B, title V, §503], Dec. 21, 2000, 114 Stat. 2763, 2763A-280.)

**§ 2009aa-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 2018, to remain available until expended.

**(b) Administrative expenses**

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

(Pub. L. 87-128, title III, §382M, as added Pub. L. 106-554, §1(a)(4) [div. B, title V, §503], Dec. 21, 2000, 114 Stat. 2763, 2763A-280; amended Pub. L. 107-171, title VI, §6027(g), May 13, 2002, 116 Stat. 374; Pub. L. 110-234, title VI, §6025(a), May 22, 2008, 122 Stat. 1177; Pub. L. 110-246, §4(a), title VI, §6025(a), June 18, 2008, 122 Stat. 1664, 1939; Pub. L. 113-79, title VI, §6026(a), Feb. 7, 2014, 128 Stat. 850.)

## 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

2014—Subsec. (a). Pub. L. 113-79 substituted “2018” for “2012”.

2008—Subsec. (a). Pub. L. 110-246, §6025(a), substituted “2008 through 2012” for “2001 through 2007”.

2002—Subsec. (a). Pub. L. 107-171 substituted “2007” for “2002”.

## 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.

**§ 2009aa-13. Termination of authority**

This subchapter and the authority provided under this subchapter expire on October 1, 2018.

(Pub. L. 87-128, title III, §382N, as added Pub. L. 106-554, §1(a)(4) [div. B, title V, §503], Dec. 21, 2000, 114 Stat. 2763, 2763A-281; amended Pub. L. 107-171, title VI, §6027(h), May 13, 2002, 116 Stat. 374; Pub. L. 110-234, title VI, §6025(b), May 22, 2008, 122 Stat. 1177; Pub. L. 110-246, §4(a), title VI, §6025(b), June 18, 2008, 122 Stat. 1664, 1939; Pub. L. 113-79, title VI, §6026(b), Feb. 7, 2014, 128 Stat. 850.)

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## AMENDMENTS

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2008—Pub. L. 110-246, §6025(b), substituted “2012” for “2007”.

2002—Pub. L. 107-171 substituted “2007” for “2002”.

## EFFECTIVE DATE OF 2008 AMENDMENT

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## SUBCHAPTER VII—NORTHERN GREAT PLAINS REGIONAL AUTHORITY

**§ 2009bb. Definitions**

In this subchapter: