Subsec. (d). Pub. L. 110–371, § 5(c), added subsec. (d).

§ 14704. Termination

This subtitle, except sections 14102(a)(1) and (b) and 14501, ceases to be in effect on October 1, 2012.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1278; Pub. L. 109–289, div. B, title II, § 20326, as added Pub. L. 110–5, § 2, Feb. 15, 2007, 121 Stat. 22; Pub. L. 110–371, § 6, Oct. 8, 2008, 122 Stat. 4042.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
14704	40 App.:405.	Pub. L. 89–4, title IV, § 405, Mar. 9, 1965, 79 Stat. 23; Pub. L. 91–123, title I, § 111, Nov. 25, 1969, 83 Stat. 216; Pub. L. 92–65, title II, § 213, Aug. 5, 1971, 85 Stat. 173; Pub. L. 94–188, title I, § 122(a), Dec. 31, 1975, 89 Stat. 1086; Pub. L. 96–506, § 3(6), Dec. 8, 1980, 94 Stat. 2746; Pub. L. 105–178, title I, § 1222(b) (1st sentence), June 9, 1998, 112 Stat. 224; Pub. L. 105–393, title II, § 222, Nov. 13, 1998, 112 Stat. 3625; Pub. L. 107–149, § 12, Mar. 12, 2002, 116 Stat. 71.

AMENDMENTS

2008—Pub. L. 110–371 substituted ''2012'' for ''2007''.

2007—Pub. L. 109–289, § 20326, as added by Pub. L. 110–5, substituted ''October 1, 2007'' for ''October 1, 2006''.

SUBTITLE V—REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT

Chapter		Sec.
151.[1]	**GENERAL PROVISIONS**	**15101**
153.[2]	**REGIONAL COMMISSIONS**	**15301**
155.[3]	**FINANCIAL ASSISTANCE**	**15501**
157.[4]	**ADMINISTRATIVE PROVISIONS** ...	**15701**

CHAPTER 1[1]—GENERAL PROVISIONS

Sec.
15101. Definitions.

PRIOR PROVISIONS

A prior subtitle V, consisting of chapters 171, 173, 175, 177, 179, 181, and 183, was redesignated subtitle VI of this title by Pub. L. 110–234, title XIV, § 14217(a)(1), May 22, 2008, 122 Stat. 1467, and Pub. L. 110–246, title XIV, § 14217(a)(1), June 18, 2008, 122 Stat. 2229. The redesignation by Pub. L. 110–234 was repealed by Pub. L. 110–246, § 4(a), June 18, 2008, 122 Stat. 1664.

§ 15101. Definitions

In this subtitle, the following definitions apply:

(1) COMMISSION.—The term ''Commission'' means a Commission established under section 15301.

(2) LOCAL DEVELOPMENT DISTRICT.—The term ''local development district'' means an entity that—

(A)(i) is an economic development district that is—

(I) in existence on the date of the enactment of this chapter; and

(II) located in the region; or

(ii) if an entity described in clause (i) does not exist—

(I) is organized and operated in a manner that ensures broad-based community participation and an effective opportunity for local officials, community leaders, and the public to contribute to the development and implementation of programs in the region;

(II) is governed by a policy board with at least a simple majority of members consisting of—

(aa) elected officials; or

(bb) designees or employees of a general purpose unit of local government that have been appointed to represent the unit of local government; and

(III) is certified by the Governor or appropriate State officer as having a charter or authority that includes the economic development of counties, portions of counties, or other political subdivisions within the region; and

(B) has not, as certified by the Federal Co-chairperson—

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

(ii) 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.

(3) FEDERAL GRANT PROGRAM.—The term ''Federal grant program'' means a Federal grant program to provide assistance in carrying out economic and community development activities.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) NONPROFIT ENTITY.—The term ''nonprofit entity'' means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code that has been formed for the purpose of economic development.

(6) REGION.—The term ''region'' means the area covered by a Commission as described in subchapter II of chapter 157.[1]

(Added Pub. L. 110–234, title XIV, § 14217(a)(2), May 22, 2008, 122 Stat. 1468, and Pub. L. 110–246, § 4(a), title XIV, § 14217(a)(2), June 18, 2008, 122 Stat. 1664, 2230.)

REFERENCES IN TEXT

The date of the enactment of this chapter, referred to in par. (2)(A)(i)(I), is the date of enactment of Pub. L. 110–246, which was approved June 18, 2008.

Section 501 of the Internal Revenue Code of 1986, referred to in par. (5), is classified to section 501 of Title 26, Internal Revenue Code.

[1] So in original. Item corresponds to chapter 1 of this subtitle.

[2] So in original. Item corresponds to chapter 2 of this subtitle.

[3] So in original. Item corresponds to chapter 3 of this subtitle.

[4] So in original. Item corresponds to chapter 4 of this subtitle.

[1] So in original. Probably should be ''151''. Another chapter 1 is set out in subtitle I of this title.

[1] So in original. Probably means chapter 4 of this subtitle.

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

Enactment of this subtitle 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, except as otherwise provided, see section 4 of Pub. L. 110–246, set out as a note under section 8701 of Title 7, Agriculture.

Pub. L. 110–234, title XIV, § 14217(d), May 22, 2008, 122 Stat. 1482, and Pub. L. 110–246, § 4(a), title XIV, § 14217(d), June 18, 2008, 122 Stat. 1664, 2244, provided that: ''This section [enacting this subtitle, redesignating former subtitle V as subtitle VI of this title, and amending section 11 of the Inspector General Act of 1978, Pub. L. 95–452, set out in the Appendix to Title 5, Government Organization and Employees], and the amendments made by this section, shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act [June 18, 2008].''

[Pub. L. 110–234 and Pub. L. 110–246 enacted identical provisions. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246, set out as a note under section 8701 of Title 7, Agriculture.]

CHAPTER 2[1]—REGIONAL COMMISSIONS

Sec.
15301. Establishment, membership, and employees.
15302. Decisions.
15303. Functions.
15304. Administrative powers and expenses.
15305. Meetings.
15306. Personal financial interests.
15307. Tribal participation.
15308. Annual report.

§ 15301. Establishment, membership, and employees

(a) ESTABLISHMENT.—There are established the following regional Commissions:

(1) The Southeast Crescent Regional Commission.

(2) The Southwest Border Regional Commission.

(3) The Northern Border Regional Commission.

(b) MEMBERSHIP.—

(1) FEDERAL AND STATE MEMBERS.—Each Commission shall be composed of the following members:

(A) A Federal Cochairperson, to be appointed by the President, by and with the advice and consent of the Senate.

(B) The Governor of each participating State in the region of the Commission.

(2) ALTERNATE MEMBERS.—

(A) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal Cochairperson for each Commission. The alternate Federal Cochairperson, when not actively serving as an alternate for the Federal Cochairperson, shall perform such functions and duties as are delegated by the Federal Cochairperson.

(B) STATE ALTERNATES.—The State member of a participating State may have a single alternate, who shall be appointed by the Governor of the State from among the members of the Governor's cabinet or personal staff.

(C) VOTING.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal or State member for which the alternate member is an alternate.

(3) COCHAIRPERSONS.—A Commission shall be headed by—

(A) the Federal Cochairperson, who shall serve as a liaison between the Federal Government and the Commission; and

(B) a State Cochairperson, who shall be a Governor of a participating State in the region and shall be elected by the State members for a term of not less than 1 year.

(4) CONSECUTIVE TERMS.—A State member may not be elected to serve as State Cochairperson for more than 2 consecutive terms.

(c) COMPENSATION.—

(1) FEDERAL COCHAIRPERSONS.—Each Federal Cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule as set out in section 5314 of title 5.

(2) ALTERNATE FEDERAL COCHAIRPERSONS.—Each Federal Cochairperson's alternate shall be compensated by the Federal Government at level V of the Executive Schedule as set out in section 5316 of title 5.

(3) STATE MEMBERS AND ALTERNATES.—Each State member and alternate shall be compensated by the State that they represent at the rate established by the laws of that State.

(d) EXECUTIVE DIRECTOR AND STAFF.—

(1) IN GENERAL.—A Commission shall appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Commission to carry out its duties. Compensation under this paragraph may not exceed the maximum rate of basic pay established for the Senior Executive Service under section 5382 of title 5, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

(2) EXECUTIVE DIRECTOR.—The executive director shall be responsible for carrying out the administrative duties of the Commission, directing the Commission staff, and such other duties as the Commission may assign.

(e) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of a Commission (other than the Federal Cochairperson, the alternate Federal Cochairperson, staff of the Federal Cochairperson, and any Federal employee detailed to the Commission) shall be considered to be a Federal employee for any purpose.

(Added Pub. L. 110–234, title XIV, § 14217(a)(2), May 22, 2008, 122 Stat. 1469, and Pub. L. 110–246, § 4(a), title XIV, § 14217(a)(2), June 18, 2008, 122 Stat. 1664, 2231.)

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.

[1] So in original. Probably should be ''153''.

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.

§ 15302. Decisions

(a) REQUIREMENTS FOR APPROVAL.—Except as provided in section 15304(c)(3), decisions by the Commission shall require the affirmative vote of the Federal Cochairperson and a majority of the State members (exclusive of members representing States delinquent under section 15304(c)(3)(C)).

(b) CONSULTATION.—In matters coming before the Commission, the Federal Cochairperson shall, to the extent practicable, consult with the Federal departments and agencies having an interest in the subject matter.

(c) QUORUMS.—A Commission shall determine what constitutes a quorum for Commission meetings; except that—

(1) any quorum shall include the Federal Cochairperson or the alternate Federal Cochairperson; and

(2) a State alternate member shall not be counted toward the establishment of a quorum.

(d) PROJECTS AND GRANT PROPOSALS.—The approval of project and grant proposals shall be a responsibility of each Commission and shall be carried out in accordance with section 15503.

(Added Pub. L. 110–234, title XIV, § 14217(a)(2), May 22, 2008, 122 Stat. 1470, and Pub. L. 110–246, § 4(a), title XIV, § 14217(a)(2), June 18, 2008, 122 Stat. 1664, 2232.)

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.

§ 15303. Functions

A Commission shall—

(1) assess the needs and assets of its region based on available research, demonstration projects, investigations, assessments, and evaluations of the region prepared by Federal, State, and local agencies, universities, local development districts, and other nonprofit groups;

(2) develop, on a continuing basis, comprehensive and coordinated economic and infrastructure development strategies to establish priorities and approve grants for the economic development of its region, giving due consideration to other Federal, State, and local planning and development activities in the region;

(3) not later than one year after the date of the enactment of this section, and after taking into account State plans developed under section 15502, establish priorities in an economic and infrastructure development plan for its region, including 5-year regional outcome targets;

(4)(A) enhance the capacity of, and provide support for, local development districts in its region; or

(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;

(5) encourage private investment in industrial, commercial, and other economic development projects in its region;

(6) cooperate with and assist State governments with the preparation of economic and infrastructure development plans and programs for participating States;

(7) formulate and recommend to the Governors and legislatures of States that participate in the Commission forms of interstate cooperation and, where appropriate, international cooperation; and

(8) work with State and local agencies in developing appropriate model legislation to enhance local and regional economic development.

(Added Pub. L. 110–234, title XIV, § 14217(a)(2), May 22, 2008, 122 Stat. 1470, and Pub. L. 110–246, § 4(a), title XIV, § 14217(a)(2), June 18, 2008, 122 Stat. 1664, 2232.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in par. (3), 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.

§ 15304. Administrative powers and expenses

(a) POWERS.—In carrying out its duties under this subtitle, a Commission may—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Commission as the Commission considers appropriate;

(2) authorize, through the Federal or State Cochairperson or any other member of the Commission designated by the Commission, the administration of oaths if the Commission determines that testimony should be taken or evidence received under oath;

(3) request from any Federal, State, or local agency such information as may be available to or procurable by the agency that may be of use to the Commission in carrying out the duties of the Commission;

(4) adopt, amend, and repeal bylaws and rules governing the conduct of business and the performance of duties by the Commission;

(5) request the head of any Federal agency, State agency, or local government to detail to the Commission such personnel as the Commission requires to carry out its duties, each such detail to be without loss of seniority, pay, or other employee status;

(6) provide for coverage of Commission employees in a suitable retirement and employee benefit system by making arrangements or entering into contracts with any participating State government or otherwise providing retirement and other employee coverage;

(7) accept, use, and dispose of gifts or donations or services or real, personal, tangible, or intangible property;

(8) enter into and perform such contracts, cooperative agreements, or other transactions as are necessary to carry out Commission duties, including any contracts or cooperative agreements with a department, agency, or instrumentality of the United States, a State (including a political subdivision, agency, or instrumentality of the State), or a person, firm, association, or corporation; and

(9) maintain a government relations office in the District of Columbia and establish and maintain a central office at such location in its region as the Commission may select.

(b) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

(1) cooperate with a Commission; and

(2) provide, to the extent practicable, on request of the Federal Cochairperson, appropriate assistance in carrying out this subtitle, in accordance with applicable Federal laws (including regulations).

(c) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—Subject to paragraph (2), the administrative expenses of a Commission shall be paid—

(A) by the Federal Government, in an amount equal to 50 percent of the administrative expenses of the Commission; and

(B) by the States participating in the Commission, in an amount equal to 50 percent of the administrative expenses.

(2) EXPENSES OF THE FEDERAL COCHAIRPERSON.—All expenses of the Federal Cochairperson, including expenses of the alternate and staff of the Federal Cochairperson, shall be paid by the Federal Government.

(3) STATE SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), the share of administrative expenses of a Commission to be paid by each State of the Commission shall be determined by a unanimous vote of the State members of the Commission.

(B) NO FEDERAL PARTICIPATION.—The Federal Cochairperson shall not participate or vote in any decision under subparagraph (A).

(C) DELINQUENT STATES.—During any period in which a State is more than 1 year delinquent in payment of the State's share of administrative expenses of the Commission under this subsection—

(i) no assistance under this subtitle shall be provided to the State (including assistance to a political subdivision or a resident of the State) for any project not approved as of the date of the commencement of the delinquency; and

(ii) no member of the Commission from the State shall participate or vote in any action by the Commission.

(4) EFFECT ON ASSISTANCE.—A State's share of administrative expenses of a Commission under this subsection shall not be taken into consideration when determining the amount of assistance provided to the State under this subtitle.

(Added Pub. L. 110–234, title XIV, § 14217(a)(2), May 22, 2008, 122 Stat. 1471, and Pub. L. 110–246, § 4(a), title XIV, § 14217(a)(2), June 18, 2008, 122 Stat. 1664, 2233.)

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.

§ 15305. Meetings

(a) INITIAL MEETING.—Each Commission shall hold an initial meeting not later than 180 days after the date of the enactment of this section.

(b) ANNUAL MEETING.—Each Commission shall conduct at least 1 meeting each year with the Federal Cochairperson and at least a majority of the State members present.

(c) ADDITIONAL MEETINGS.—Each Commission shall conduct additional meetings at such times as it determines and may conduct such meetings by electronic means.

(Added Pub. L. 110–234, title XIV, § 14217(a)(2), May 22, 2008, 122 Stat. 1473, and Pub. L. 110–246, § 4(a), title XIV, § 14217(a)(2), June 18, 2008, 122 Stat. 1664, 2235.)

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.

§ 15306. Personal financial interests

(a) CONFLICTS OF INTEREST.—

(1) NO ROLE ALLOWED.—Except as permitted by paragraph (2), an individual who is a State member or alternate, or an officer or employee of a Commission, shall not participate personally and substantially as a member, alternate, officer, or employee of the Commission, through decision, approval, disapproval, recommendation, request for a ruling, or other determination, contract, claim, controversy, or other matter in which, to the individual's knowledge, any of the following has a financial interest:

(A) The individual.

(B) The individual's spouse, minor child, or partner.

(C) An organization (except a State or political subdivision of a State) in which the individual is serving as an officer, director, trustee, partner, or employee.

(D) Any person or organization with whom the individual is negotiating or has any arrangement concerning prospective employment.

(2) EXCEPTION.—Paragraph (1) shall not apply if the individual, in advance of the proceeding, application, request for a ruling or other determination, contract, claim controversy, or other particular matter presenting a potential conflict of interest—

(A) advises the Commission of the nature and circumstances of the matter presenting the conflict of interest;

(B) makes full disclosure of the financial interest; and

(C) receives a written decision of the Commission that the interest is not so substan-

tial as to be considered likely to affect the integrity of the services that the Commission may expect from the individual.

(3) VIOLATION.—An individual violating this subsection shall be fined under title 18, imprisoned for not more than 1 year, or both.

(b) STATE MEMBER OR ALTERNATE.—A State member or alternate member may not receive any salary, or any contribution to, or supplementation of, salary, for services on a Commission from a source other than the State of the member or alternate.

(c) DETAILED EMPLOYEES.—

(1) IN GENERAL.—No person detailed to serve a Commission shall receive any salary, or any contribution to, or supplementation of, salary, for services provided to the Commission from any source other than the State, local, or intergovernmental department or agency from which the person was detailed to the Commission.

(2) VIOLATION.—Any person that violates this subsection shall be fined under title 18, imprisoned not more than 1 year, or both.

(d) FEDERAL COCHAIRMAN, ALTERNATE TO FEDERAL COCHAIRMAN, AND FEDERAL OFFICERS AND EMPLOYEES.—The Federal Cochairman, the alternate to the Federal Cochairman, and any Federal officer or employee detailed to duty with the Commission are not subject to this section but remain subject to sections 202 through 209 of title 18.

(e) RESCISSION.—A Commission may declare void any contract, loan, or grant of or by the Commission in relation to which the Commission determines that there has been a violation of any provision under subsection (a)(1), (b), or (c), or any of the provisions of sections 202 through 209 of title 18.

(Added Pub. L. 110–234, title XIV, § 14217(a)(2), May 22, 2008, 122 Stat. 1473, and Pub. L. 110–246, § 4(a), title XIV, § 14217(a)(2), June 18, 2008, 122 Stat. 1664, 2235.)

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.

§ 15307. Tribal participation

Governments of Indian tribes in the region of the Southwest Border Regional Commission shall be allowed to participate in matters before that Commission in the same manner and to the same extent as State agencies and instrumentalities in the region.

(Added Pub. L. 110–234, title XIV, § 14217(a)(2), May 22, 2008, 122 Stat. 1474, and Pub. L. 110–246, § 4(a), title XIV, § 14217(a)(2), June 18, 2008, 122 Stat. 1664, 2236.)

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.

§ 15308. Annual report

(a) IN GENERAL.—Not later than 90 days after the last day of each fiscal year, each Commission shall submit to the President and Congress a report on the activities carried out by the Commission under this subtitle in the fiscal year.

(b) CONTENTS.—The report shall include—

(1) a description of the criteria used by the Commission to designate counties under section 15702 and a list of the counties designated in each category;

(2) an evaluation of the progress of the Commission in meeting the goals identified in the Commission's economic and infrastructure development plan under section 15303 and State economic and infrastructure development plans under section 15502; and

(3) any policy recommendations approved by the Commission.

(Added Pub. L. 110–234, title XIV, § 14217(a)(2), May 22, 2008, 122 Stat. 1474, and Pub. L. 110–246, § 4(a), title XIV, § 14217(a)(2), June 18, 2008, 122 Stat. 1664, 2236.)

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 3[1]—FINANCIAL ASSISTANCE

Sec.
15501. Economic and infrastructure development grants.
15502. Comprehensive economic and infrastructure development plans.
15503. Approval of applications for assistance.
15504. Program development criteria.
15505. Local development districts and organizations.
15506. Supplements to Federal grant programs.

§ 15501. Economic and infrastructure development grants

(a) IN GENERAL.—A Commission may make grants to States and local governments, Indian tribes, and public and nonprofit organizations for projects, approved in accordance with section 15503—

(1) to develop the transportation infrastructure of its region;

(2) to develop the basic public infrastructure of its region;

(3) to develop the telecommunications infrastructure of its region;

(4) to assist its region in obtaining job skills training, skills development and employment-related education, entrepreneurship, technology, and business development;

(5) to provide assistance to severely economically distressed and underdeveloped areas of its region that lack financial resources for improving basic health care and other public services;

(6) to promote resource conservation, tourism, recreation, and preservation of open space in a manner consistent with economic development goals;

(7) to promote the development of renewable and alternative energy sources; and

(8) to otherwise achieve the purposes of this subtitle.

[1] So in original. Probably should be ''155''. Another chapter 3 is set out in subtitle I of this title.

(b) ALLOCATION OF FUNDS.—A Commission shall allocate at least 40 percent of any grant amounts provided by the Commission in a fiscal year for projects described in paragraphs (1) through (3) of subsection (a).

(c) SOURCES OF GRANTS.—Grant amounts may be provided entirely from appropriations to carry out this subtitle, in combination with amounts available under other Federal grant programs, or from any other source.

(d) MAXIMUM COMMISSION CONTRIBUTIONS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Commission may contribute not more than 50 percent of a project or activity cost eligible for financial assistance under this section from amounts appropriated to carry out this subtitle.

(2) DISTRESSED COUNTIES.—The maximum Commission contribution for a project or activity to be carried out in a county for which a distressed county designation is in effect under section 15702 may be increased to 80 percent.

(3) SPECIAL RULE FOR REGIONAL PROJECTS.—A Commission may increase to 60 percent under paragraph (1) and 90 percent under paragraph (2) the maximum Commission contribution for a project or activity if—

(A) the project or activity involves 3 or more counties or more than one State; and

(B) the Commission determines in accordance with section 15302(a) that the project or activity will bring significant interstate or multicounty benefits to a region.

(e) MAINTENANCE OF EFFORT.—Funds may be provided by a Commission for a program or project in a State under this section only if the Commission determines that the level of Federal or State financial assistance provided under a law other than this subtitle, for the same type of program or project in the same area of the State within region, will not be reduced as a result of funds made available by this subtitle.

(f) NO RELOCATION ASSISTANCE.—Financial assistance authorized by this section may not be used to assist a person or entity in relocating from one area to another.

(Added Pub. L. 110–234, title XIV, § 14217(a)(2), May 22, 2008, 122 Stat. 1474, and Pub. L. 110–246, § 4(a), title XIV, § 14217(a)(2), June 18, 2008, 122 Stat. 1664, 2236.)

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.

§ 15502. Comprehensive economic and infrastructure development plans

(a) STATE PLANS.—In accordance with policies established by a Commission, each State member of the Commission shall submit a comprehensive economic and infrastructure development plan for the area of the region represented by the State member.

(b) CONTENT OF PLAN.—A State economic and infrastructure development plan shall reflect the goals, objectives, and priorities identified in any applicable economic and infrastructure development plan developed by a Commission under section 15303.

(c) CONSULTATION WITH INTERESTED LOCAL PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State shall—

(1) consult with local development districts, local units of government, and local colleges and universities; and

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

(d) PUBLIC PARTICIPATION.—

(1) IN GENERAL.—A Commission 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 subtitle.

(2) GUIDELINES.—A Commission shall develop guidelines for providing public participation, including public hearings.

(Added Pub. L. 110–234, title XIV, § 14217(a)(2), May 22, 2008, 122 Stat. 1476, and Pub. L. 110–246, § 4(a), title XIV, § 14217(a)(2), June 18, 2008, 122 Stat. 1664, 2238.)

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.

§ 15503. Approval of applications for assistance

(a) EVALUATION BY STATE MEMBER.—An application to a Commission for a grant or any other assistance for a project under this subtitle shall be made through, and evaluated for approval by, the State member of the Commission representing the applicant.

(b) CERTIFICATION.—An application to a Commission for a grant or other assistance for a project under this subtitle shall be eligible for assistance only on certification by the State member of the Commission representing the applicant that the application for the project—

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

(2) meets applicable criteria under section 15504;

(3) adequately ensures that the project will be properly administered, operated, and maintained; and

(4) otherwise meets the requirements for assistance under this subtitle.

(c) VOTES FOR DECISIONS.—On certification by a State member of a Commission of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Commission under section 15302 shall be required for approval of the application.

(Added Pub. L. 110–234, title XIV, § 14217(a)(2), May 22, 2008, 122 Stat. 1476, and Pub. L. 110–246, § 4(a), title XIV, § 14217(a)(2), June 18, 2008, 122 Stat. 1664, 2238.)

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.

§ 15504. Program development criteria

In considering programs and projects to be provided assistance by a Commission under this subtitle, and in establishing a priority ranking of the requests for assistance provided to the Commission, the Commission 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 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 the 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.

(Added Pub. L. 110–234, title XIV, § 14217(a)(2), May 22, 2008, 122 Stat. 1476, and Pub. L. 110–246, § 4(a), title XIV, § 14217(a)(2), June 18, 2008, 122 Stat. 1664, 2238.)

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.

§ 15505. Local development districts and organizations

(a) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—Subject to the requirements of this section, a Commission may make grants to a local development district to assist in the payment of development planning and administrative expenses.

(b) CONDITIONS FOR GRANTS.—

(1) MAXIMUM AMOUNT.—The amount of a grant awarded under this section may not exceed 80 percent of the administrative and planning expenses of the local development district receiving the grant.

(2) MAXIMUM PERIOD FOR STATE AGENCIES.—In the case of a State agency certified as a local development district, a grant may not be awarded to the agency under this section for more than 3 fiscal years.

(3) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

(1) operate as a lead organization serving multicounty areas in the region at the local level;

(2) assist the Commission in carrying out outreach activities for local governments, 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 Commission 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 4[1]—ADMINISTRATIVE PROVISIONS

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
15701. Consent of States.
15702. Distressed counties and areas.
15703. Counties eligible for assistance in more than one region.
15704. Inspector General; records.
15705. Biannual meetings of representatives of all Commissions.

SUBCHAPTER II—DESIGNATION OF REGIONS

15731. Southeast Crescent Regional Commission.
15732. Southwest Border Regional Commission.
15733. Northern Border Regional Commission.

SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

15751. Authorization of appropriations.

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 economically 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.

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

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 subtitle 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.)

REFERENCES IN TEXT

Section 3(a) of the Inspector General Act of 1978, referred to in subsec. (a), is section 3(a) of Pub. L. 95–452, which is set out in the Appendix to Title 5, Government Organization and Employees.

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.

§ 15705. Biannual meetings of representatives of all Commissions

(a) IN GENERAL.—Representatives of each Commission, the Appalachian Regional Commission, and the Denali Commission shall meet biannually to discuss issues confronting regions suffering from chronic and contiguous distress and successful strategies for promoting regional development.

(b) CHAIR OF MEETINGS.—The chair of each meeting shall rotate among the Commissions, with the Appalachian Regional Commission to host the first meeting.

(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.

SUBCHAPTER II—DESIGNATION OF REGIONS

§ 15731. Southeast Crescent Regional Commission

The region of the Southeast Crescent Regional Commission shall consist of all counties of the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida not already served by the Appalachian Regional Commission or the Delta Regional Authority.

(Added Pub. L. 110–234, title XIV, § 14217(a)(2), May 22, 2008, 122 Stat. 1481, and Pub. L. 110–246, § 4(a), title XIV, § 14217(a)(2), June 18, 2008, 122 Stat. 1664, 2243.)

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.

§ 15732. Southwest Border Regional Commission

The region of the Southwest Border Regional Commission shall consist of the following political subdivisions:

(1) ARIZONA.—The counties of Cochise, Gila, Graham, Greenlee, La Paz, Maricopa, Pima,

Pinal, Santa Cruz, and Yuma in the State of Arizona.

(2) CALIFORNIA.—The counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura in the State of California.

(3) NEW MEXICO.—The counties of Catron, Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lincoln, Luna, Otero, Sierra, and Socorro in the State of New Mexico.

(4) TEXAS.—The counties of Atascosa, Bandera, Bee, Bexar, Brewster, Brooks, Cameron, Coke, Concho, Crane, Crockett, Culberson, Dimmit, Duval, Ector, Edwards, El Paso, Frio, Gillespie, Glasscock, Hidalgo, Hudspeth, Irion, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Loving, Mason, Maverick, McMullen, Medina, Menard, Midland, Nueces, Pecos, Presidio, Reagan, Real, Reeves, San Patricio, Shleicher, Sutton, Starr, Sterling, Terrell, Tom Green[1] Upton, Uvalde, Val Verde, Ward, Webb, Willacy, Wilson, Winkler, Zapata, and Zavala in the State of Texas.

(Added Pub. L. 110–234, title XIV, § 14217(a)(2), May 22, 2008, 122 Stat. 1481, and Pub. L. 110–246, § 4(a), title XIV, § 14217(a)(2), June 18, 2008, 122 Stat. 1664, 2243.)

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.

§ 15733. Northern Border Regional Commission

The region of the Northern Border Regional Commission shall include the following counties:

(1) MAINE.—The counties of Androscoggin, Aroostook, Franklin, Hancock, Kennebec, Knox, Oxford, Penobscot, Piscataquis, Somerset, Waldo, and Washington in the State of Maine.

(2) NEW HAMPSHIRE.—The counties of Carroll, Coos, Grafton, and Sullivan in the State of New Hampshire.

(3) NEW YORK.—The counties of Cayuga, Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Oneida, Oswego, Seneca, and St. Lawrence in the State of New York.

(4) VERMONT.—The counties of Caledonia, Essex, Franklin, Grand Isle, Lamoille, and Orleans in the State of Vermont.

(Added Pub. L. 110–234, title XIV, § 14217(a)(2), May 22, 2008, 122 Stat. 1481, and Pub. L. 110–246, § 4(a), title XIV, § 14217(a)(2), June 18, 2008, 122 Stat. 1664, 2243.)

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.

[1] So in original. Probably should be followed by a comma.

SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

§ 15751. Authorization of appropriations

(a) IN GENERAL.—There is authorized to be appropriated to each Commission to carry out this subtitle $30,000,000 for each of fiscal years 2008 through 2012.

(b) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the funds made available to a Commission in a fiscal year under this section may be used for administrative expenses.

(Added Pub. L. 110–234, title XIV, § 14217(a)(2), May 22, 2008, 122 Stat. 1482, and Pub. L. 110–246, § 4(a), title XIV, § 14217(a)(2), June 18, 2008, 122 Stat. 1664, 2244.)

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.

SUBTITLE VI—MISCELLANEOUS

Chapter		Sec.
171.	**SAFETY STANDARDS FOR MOTOR VEHICLES**	**17101**
173.	**GOVERNMENT LOSSES IN SHIPMENT**	**17301**
175.	**FEDERAL MOTOR VEHICLE EXPENDITURE CONTROL**	**17501**
177.	**ALASKA COMMUNICATIONS DISPOSAL**	**17701**
179.	**ALASKA FEDERAL-CIVILIAN ENERGY EFFICIENCY SWAP**	**17901**
181.	**TELECOMMUNICATIONS ACCESSIBILITY FOR HEARING-IMPAIRED AND SPEECH-IMPAIRED INDIVIDUALS**	**18101**
183.	**NATIONAL CAPITAL AREA INTEREST ARBITRATION STANDARDS**	**18301**

AMENDMENTS

2008—Pub. L. 110–234, title XIV, § 14217(a)(1), May 22, 2008, 122 Stat. 1467, and Pub. L. 110–246, title XIV, § 14217(a)(1), June 18, 2008, 122 Stat. 2229, made identical amendments, redesignating subtitle V of this title as subtitle VI. The amendment by Pub. L. 110–234 was repealed by Pub. L. 110–246, § 4(a), June 18, 2008, 122 Stat. 1664.

CHAPTER 171—SAFETY STANDARDS FOR MOTOR VEHICLES

Sec.
17101. Definitions.
17102. Prohibition on acquisition or purchase of motor vehicles by Federal Government.
17103. Commercial standards for passenger safety devices.

§ 17101. Definitions

In this chapter, the following definitions apply:

(1) FEDERAL GOVERNMENT.—The term ''Federal Government'' includes the government of the District of Columbia.

(2) MOTOR VEHICLE.—The term ''motor vehicle'' means a vehicle, self-propelled or drawn by mechanical power, designed for use on the highways principally for the transportation of