

(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;

(8) to grow the capacity for successful community economic development in its region; and

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

(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 paragraph (1), (2), (3), or (7) 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, except that financial assistance may be used as otherwise authorized by this subtitle to attract businesses to the region from outside the United States.

(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; amended Pub. L. 115-334, title VI, §6304(b), Dec. 20, 2018, 132 Stat. 4749.)

## Editorial Notes

### 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.

### AMENDMENTS

2018—Subsec. (a)(8), (9). Pub. L. 115-334, §6304(b)(1), added par. (8) and redesignated former par. (8) as (9).

Subsec. (b). Pub. L. 115-334, §6304(b)(2), substituted “paragraph (1), (2), (3), or (7)” for “paragraphs (1) through (3)”.

Subsec. (f). Pub. L. 115-334, §6304(b)(3), substituted “, except that financial assistance may be used as otherwise authorized by this subtitle to attract businesses to the region from outside the United States.” for period at end.

## Statutory Notes and Related Subsidiaries

### EFFECTIVE DATE

Section 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.

### WAIVER OF REQUIREMENTS RELATING TO NON-FEDERAL COST-SHARE GRANTS AND COOPERATIVE AGREEMENTS FOR THE NORTHERN BORDER REGIONAL COMMISSION

Pub. L. 116-260, div. D, title V, §505(b), Dec. 27, 2020, 134 Stat. 1379, provided that: “Requirements relating to non-Federal cost-share grants and cooperative agreements for the Northern Border Regional Commission under section 15501(d) of title 40, United States Code, are waived for grants awarded in fiscal year 2020 and in subsequent years in response to economic distress directly related to the impacts of the Coronavirus Disease (COVID-19).”

### STATE CAPACITY BUILDING GRANT PROGRAM

Pub. L. 115-334, title VI, §6304(c), Dec. 20, 2018, 132 Stat. 4750, which authorized the Commission to establish a State capacity building grant program to provide grants to Commission States, was repealed by Pub. L. 118-272, div. B, title II, §2248(b), Jan. 4, 2025, 138 Stat. 3209.

## § 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.)

#### Editorial Notes

##### 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.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section 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.

#### § 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.)

#### Editorial Notes

##### 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.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section 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.

#### § 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.)

#### Editorial Notes

##### 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.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section 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.

#### § 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 ex-