

ning 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 L. 110-234 was repealed by section 4(a) of Pub.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 Commis-

sion 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<sup>1</sup>—ADMINISTRATIVE PROVISIONS

### SUBCHAPTER I—GENERAL PROVISIONS

Sec.

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### SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

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### 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 economi-

<sup>1</sup> So in original. Probably should be "157".