

110-246, §4(a), title VI, §6026(c)(1)(A), (f), June 18, 2008, 122 Stat. 1664, 1940, 1941.)

#### 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 L. 110-234 were repealed by section 4(a) of Pub.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.

#### PRIOR PROVISIONS

A prior section 383F of Pub. L. 87-128, title III, was renumbered section 383G and is classified to section 2009bb-5 of this title.

#### AMENDMENTS

2008—Pub. L. 110-246, §6026(f)(1), substituted “Multi-state and local” for “Local” in section catchline.

Subsecs. (a) to (c). Pub. L. 110-246, §6026(f)(2), added subsecs. (a) to (c) and struck out former subsecs. (a) to (c) which related to definition of local development district, grants to local development districts, and duties of local development districts, respectively.

#### 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.

### § 2009bb-5. Distressed counties and areas and nondistressed counties

#### (a) Designations

Not later than 90 days after May 13, 2002, and annually thereafter, the Authority, in accordance with such criteria as the Authority may establish, shall designate—

(1) as distressed counties, counties in the region that are the most severely and persistently distressed and underdeveloped and have high rates of poverty, unemployment, or outmigration;

(2) as nondistressed counties, counties in the region that are not designated as distressed counties under paragraph (1); and

(3) as isolated areas of distress, areas located in nondistressed counties (as designated under paragraph (2)) that have high rates of poverty, unemployment, or outmigration.

#### (b) Distressed counties

##### (1) In general

The Authority shall allocate at least 50 percent of the appropriations made available under section 2009bb-12 of this title for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

##### (2) Funding limitations

The funding limitations under section 2009bb-3(b) of this title shall not apply to a project to provide transportation or telecommunication or basic public services to residents of 1 or more distressed counties or isolated areas of distress in the region.

#### (c) Transportation, telecommunication<sup>1</sup> renewable energy,<sup>1</sup> and basic public infrastructure

The Authority shall allocate at least 50 percent of any funds made available under section

2009bb-12 of this title for transportation, telecommunication,<sup>1</sup> renewable energy, and basic public infrastructure projects authorized under paragraphs (1) and (3) of section 2009bb-2(a) of this title.

(Pub. L. 87-128, title III, §383G, formerly §383F, as added Pub. L. 107-171, title VI, §6028, May 13, 2002, 116 Stat. 384; renumbered §383G and amended Pub. L. 110-234, title VI, §6026(c)(1)(A), (2)(D), (g), May 22, 2008, 122 Stat. 1178, 1179, 1181, and Pub. L. 110-246, §4(a), title VI, §6026(c)(1)(A), (2)(D), (g), June 18, 2008, 122 Stat. 1664, 1940-1942.)

#### 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.

#### PRIOR PROVISIONS

A prior section 383G of Pub. L. 87-128, title III, was renumbered section 383H and is classified to section 2009bb-6 of this title.

#### AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110-246, §6026(g)(1), substituted “50” for “75”.

Pub. L. 110-246, §6026(c)(2)(D)(i)(I), made technical amendment to reference in original act which appears in text as reference to section 2009bb-12 of this title.

Subsec. (b)(2). Pub. L. 110-246, §6026(c)(2)(D)(i)(II), made technical amendment to reference in original act which appears in text as reference to section 2009bb-3(b) of this title.

Subsec. (c). Pub. L. 110-246, §6026(g)(2)-(4), redesignated subsec. (d) as (c), inserted “renewable energy,” after “telecommunication” in heading and “renewable energy,” after “telecommunication,” in text, and struck out former subsec. (c) which prohibited provision of funds for a project located in a county designated as a nondistressed county.

Subsec. (c)(2)(A). Pub. L. 110-246, §6026(c)(2)(D)(ii), made technical amendment to reference in original act which appears in text as reference to section 2009bb-4(b) of this title.

Subsec. (d). Pub. L. 110-246, §6026(g)(3), redesignated subsec. (d) as (c).

Pub. L. 110-246, §6026(c)(2)(D)(iii), made technical amendments to references in original act which appear in text as references to section 2009bb-12 of this title and section 2009bb-2(a) of this title.

#### 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.

### § 2009bb-6. Development planning process

#### (a) State development plan

In accordance with policies established by the Authority, each State member shall submit a development plan for the area of the region represented by the State member.

#### (b) Content of plan

A State development plan submitted under subsection (a) of this section shall reflect the goals, objectives, and priorities identified in the regional development plan developed under section 2009bb-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—

<sup>1</sup> So in original.

(1) consult with—

- (A) multistate, regional, and local development districts and organizations; 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 multistate, regional, and local development districts and organizations 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, § 383H, formerly § 383G, as added Pub. L. 107-171, title VI, § 6028, May 13, 2002, 116 Stat. 385; renumbered § 383H and amended Pub. L. 110-234, title VI, § 6026(c)(1)(A), (h), May 22, 2008, 122 Stat. 1178, 1181, and Pub. L. 110-246, § 4(a), title VI, § 6026(c)(1)(A), (h), June 18, 2008, 122 Stat. 1664, 1940, 1943.)

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.

PRIOR PROVISIONS

A prior section 383H of Pub. L. 87-128, title III, was renumbered section 383I and is classified to section 2009bb-7 of this title.

AMENDMENTS

2008—Subsec. (c)(1)(A). Pub. L. 110-246, § 6026(h)(1), added subpar. (A) and struck out former subpar. (A) which read as follows: “local development districts; and”.

Subsec. (d)(1). Pub. L. 110-246, § 6026(h)(2), substituted “multistate, regional, and local development districts and organizations” for “State and local development districts”.

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.

**§ 2009bb-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 to 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 multistate or 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 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.

**(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) Maintenance of effort**

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, § 383I, formerly § 383H, as added Pub. L. 107-171, title VI, § 6028, May 13, 2002, 116 Stat. 385; renumbered § 383I and amended Pub. L. 110-234, title VI, § 6026(c)(1)(A), (i), May 22, 2008, 122 Stat. 1178, 1181, and Pub. L. 110-246, § 4(a), title VI, § 6026(c)(1)(A), (i), June 18, 2008, 122 Stat. 1664, 1940, 1943.)

REFERENCES IN TEXT

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

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.

PRIOR PROVISIONS

A prior section 383I of Pub. L. 87-128, title III, was renumbered section 383J and is classified to section 2009bb-8 of this title.

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110-246, § 6026(i), inserted “multistate or” before “regional”.

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.