

§ 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, renewable energy, 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, 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; Pub. L. 115-334, title VI, §6701(h), Dec. 20, 2018, 132 Stat. 4779.)

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 L. 110-234 were repealed by section 4(a) of Pub.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

2018—Subsec. (c). Pub. L. 115-334 substituted “telecommunication, renewable energy,” for “telecommunication renewable energy,” in heading and “telecommunication,” for “telecommunication,” in text.

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) 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—

- (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.