

PART I—DESIGNATION

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§ 1391. Designation procedure**(a) In general**

From among the areas nominated for designation under this section, the appropriate Secretaries may designate empowerment zones and enterprise communities.

(b) Number of designations**(1) Enterprise communities**

The appropriate Secretaries may designate in the aggregate 95 nominated areas as enterprise communities under this section, subject to the availability of eligible nominated areas. Of that number, not more than 65 may be designated in urban areas and not more than 30 may be designated in rural areas.

(2) Empowerment zones

The appropriate Secretaries may designate in the aggregate 11 nominated areas as empowerment zones under this section, subject to the availability of eligible nominated areas. Of that number, not more than 8 may be designated in urban areas and not more than 3 may be designated in rural areas. If 8 empowerment zones are designated in urban areas, no less than 1 shall be designated in an urban area the most populous city of which has a population of 500,000 or less and no less than 1 shall be a nominated area which includes areas in 2 States and which has a population of 50,000 or less. The Secretary of Housing and Urban Development shall designate empowerment zones located in urban areas in such a manner that the aggregate population of all such zones does not exceed 1,000,000.

(c) Period designations may be made

A designation may be made under subsection (a) only after 1993 and before 1996.

(d) Period for which designation is in effect**(1) In general**

Any designation under this section shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

- (A)(i) in the case of an empowerment zone, December 31, 2025, or
- (ii) in the case of an enterprise community, the close of the 10th calendar year beginning on or after such date of designation,
- (B) the termination date designated by the State and local governments as provided for in their nomination, or
- (C) the date the appropriate Secretary revokes the designation.

(2) Revocation of designation

The appropriate Secretary may revoke the designation under this section of an area if such Secretary determines that the local government or the State in which it is located—

- (A) has modified the boundaries of the area, or

(B) is not complying substantially with, or fails to make progress in achieving the benchmarks set forth in, the strategic plan under subsection (f)(2).

(e) Limitations on designations

No area may be designated under this section unless—

- (1) the area is nominated by 1 or more local governments and the State or States in which it is located for designation under this section,
- (2) such State or States and the local governments have the authority—
 - (A) to nominate the area for designation under this section, and
 - (B) to provide the assurances described in paragraph (3),
- (3) such State or States and the local governments provide written assurances satisfactory to the appropriate Secretary that the strategic plan described in the application under subsection (f)(2) for such area will be implemented,
- (4) the appropriate Secretary determines that any information furnished is reasonably accurate, and
- (5) such State or States and local governments certify that no portion of the area nominated is already included in an empowerment zone or in an enterprise community or in an area otherwise nominated to be designated under this section.

(f) Application

No area may be designated under this section unless the application for such designation—

- (1) demonstrates that the nominated area satisfies the eligibility criteria described in section 1392,
- (2) includes a strategic plan for accomplishing the purposes of this subchapter that—
 - (A) describes the coordinated economic, human, community, and physical development plan and related activities proposed for the nominated area,
 - (B) describes the process by which the affected community is a full partner in the process of developing and implementing the plan and the extent to which local institutions and organizations have contributed to the planning process,
 - (C) identifies the amount of State, local, and private resources that will be available in the nominated area and the private/public partnerships to be used, which may include participation by, and cooperation with, universities, medical centers, and other private and public entities,
 - (D) identifies the funding requested under any Federal program in support of the proposed economic, human, community, and physical development and related activities,
 - (E) identifies baselines, methods, and benchmarks for measuring the success of carrying out the strategic plan, including the extent to which poor persons and families will be empowered to become economically self-sufficient, and
 - (F) does not include any action to assist any establishment in relocating from one area outside the nominated area to the nom-