

(b) The “Southwest Border” or “Southwest Border region” is defined as including the areas up to 150 miles north of the United States-Mexican border in the States of Arizona, New Mexico, Texas, and California.

SEC. 5. *Judicial Review.* This order does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

### § 3122. Definitions

In this chapter:

#### (1) Comprehensive economic development strategy

The term “comprehensive economic development strategy” means a comprehensive economic development strategy approved by the Secretary under section 3162 of this title.

#### (2) Department

The term “Department” means the Department of Commerce.

#### (3) Economic development district

##### (A) In general

The term “economic development district” means any area in the United States that—

(i) is composed of areas described in section 3161(a) of this title and, to the extent appropriate, neighboring counties or communities; and

(ii) has been designated by the Secretary as an economic development district under section 3171 of this title.

##### (B) Inclusion

The term “economic development district” includes any economic development district designated by the Secretary under section 3173 of this title (as in effect on the day before the effective date of the Economic Development Administration Reform Act of 1998).

#### (4) Eligible recipient

##### (A) In general

The term “eligible recipient” means—

(i) an economic development district;

(ii) an Indian tribe;

(iii) a State;

(iv) a city or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions;

(v) an institution of higher education or a consortium of institutions of higher education; or

(vi) a public or private nonprofit organization or association acting in cooperation with officials of a political subdivision of a State.

##### (B) Training, research, and technical assistance grants

In the case of grants under section 3147 of this title, the term “eligible recipient” also includes private individuals and for-profit organizations.

#### (5) Federal agency

The term “Federal agency” means a department, agency, or instrumentality of the United States.

#### (6) Grant

The term “grant” includes a cooperative agreement (within the meaning of chapter 63 of title 31).

#### (7) Indian tribe

The term “Indian tribe” means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or Regional Corporation (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

#### (8) Regional Commissions

The term “Regional Commissions” means—

(A) the Appalachian Regional Commission established under chapter 143 of title 40;

(B) the Delta Regional Authority established under subtitle F of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa et seq.);

(C) the Denali Commission established under the Denali Commission Act of 1998 (42 U.S.C. 3121 note; 112 Stat. 2681-637 et seq.); and

(D) the Northern Great Plains Regional Authority established under subtitle G of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb et seq.).

#### (9) Secretary

The term “Secretary” means the Secretary of Commerce.

#### (10) State

The term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

#### (11) United States

The term “United States” means all of the States.

#### (12) University center

The term “university center” means an institution of higher education or a consortium of institutions of higher education established as a University Center for Economic Development under section 3147(a)(2)(D) of this title.

(Pub. L. 89-136, §3, as added Pub. L. 105-393, title I, §102(a), Nov. 13, 1998, 112 Stat. 3599; amended Pub. L. 108-373, title I, §102, Oct. 27, 2004, 118 Stat. 1758.)

### Editorial Notes

#### REFERENCES IN TEXT

Section 3173 of this title (as in effect on the day before the effective date of the Economic Development Administration Reform Act of 1998), referred to in par. (3)(B), means section 3173 of this title prior to its repeal by Pub. L. 105-393, §102(a). See Prior Provisions note set out under section 3173 of this title and section 105 of Pub. L. 105-393, set out as an Effective Date note under section 3121 of this title.

The Alaska Native Claims Settlement Act, referred to in par. (7), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

The Consolidated Farm and Rural Development Act, referred to in par. (8)(B), (D), is title III of Pub. L. 87-128, Aug. 8, 1961, 75 Stat. 307, as amended. Subtitles F and G of the Act are classified generally to subchapters VI (§2009aa et seq.) and VII (§2009bb et seq.), respectively, of chapter 50 of Title 7, Agriculture. For complete classification of the Act to the Code, see Short Title note set out under section 1921 of Title 7 and Tables.

The Denali Commission Act of 1998, referred to in par. (8)(C), is title III of Pub. L. 105-277, div. C, Oct. 21, 1998, 112 Stat. 2681-637, which is set out as a note under section 3121 of this title. For complete classification of this Act to the Code, see Tables.

#### PRIOR PROVISIONS

A prior section 3122, Pub. L. 91-524, title IX, §901, Nov. 30, 1970, 84 Stat. 1383; Pub. L. 92-419, title VI, §601, Aug. 30, 1972, 86 Stat. 674; Pub. L. 94-273, §7(3), Apr. 21, 1976, 90 Stat. 378; Pub. L. 96-355, §6, Sept. 24, 1980, 94 Stat. 1174, which related to priority to be given to revitalization and development of rural areas, was transferred to section 2204b-1 of Title 7, Agriculture.

#### AMENDMENTS

2004—Par. (4)(A), Pub. L. 108-373, §102(a), redesignated cls. (ii) to (vii) as (i) to (vi), respectively, inserted “, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities,” after “State” in cl. (iv), and struck out cl. (i) which read as follows: “an area described in section 3161(a) of this title;”.

Pars. (8) to (12), Pub. L. 108-373, §102(b), added pars. (8) and (12) and redesignated former pars. (8) to (10) as (9) to (11), respectively.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective Feb. 11, 1999, see section 105 of Pub. L. 105-393, set out as a note under section 3121 of this title.

#### § 3123. Discrimination on basis of sex prohibited in federally assisted programs

No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Public Works and Economic Development Act of 1965 [42 U.S.C. 3121 et seq.].

(Pub. L. 92-65, title I, §112, Aug. 5, 1971, 85 Stat. 168.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Public Works and Economic Development Act of 1965, referred to in text, is Pub. L. 89-136, Aug. 26, 1965, 79 Stat. 552, as amended, which is classified generally to this chapter (§3121 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 3121 of this title and Tables.

##### CODIFICATION

Section was not enacted as part of the Public Works and Economic Development Act of 1965 which comprises this chapter.

## SUBCHAPTER I—ECONOMIC DEVELOPMENT PARTNERSHIPS COOPERATION AND COORDINATION

### § 3131. Establishment of economic development partnerships

#### (a) In general

In providing assistance under this subchapter, the Secretary shall cooperate with States and other entities to ensure that, consistent with national objectives, Federal programs are compatible with and further the objectives of State, regional, and local economic development plans and comprehensive economic development strategies.

#### (b) Technical assistance

The Secretary may provide such technical assistance to States, political subdivisions of States, sub-State regional organizations (including organizations that cross State boundaries), multi-State regional organizations, and non-profit organizations as the Secretary determines is appropriate to—

- (1) alleviate economic distress;
- (2) encourage and support public-private partnerships for the formation and improvement of economic development strategies that sustain and promote economic development across the United States; and
- (3) promote investment in infrastructure and technological capacity to keep pace with the changing global economy.

#### (c) Intergovernmental review

The Secretary shall promulgate regulations to ensure that appropriate State and local government agencies have been given a reasonable opportunity to review and comment on proposed projects under this subchapter that the Secretary determines may have a significant direct impact on the economy of the area.

#### (d) Cooperation agreements

##### (1) In general

The Secretary may enter into a cooperation agreement with any 2 or more States, or an organization of any 2 or more States, in support of effective economic development.

##### (2) Participation

Each cooperation agreement shall provide for suitable participation by other governmental and nongovernmental entities that are representative of significant interests in and perspectives on economic development in an area.

(Pub. L. 89-136, title I, §101, as added Pub. L. 105-393, title I, §102(a), Nov. 13, 1998, 112 Stat. 3600; amended Pub. L. 108-373, title I, §103, Oct. 27, 2004, 118 Stat. 1759.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 3131, Pub. L. 89-136, title I, §101, Aug. 26, 1965, 79 Stat. 552; Pub. L. 91-123, title III, §301(1), Nov. 25, 1969, 83 Stat. 219; Pub. L. 92-65, title I, §102, Aug. 5, 1971, 85 Stat. 166; Pub. L. 94-487, title I, §103, Oct. 12, 1976, 90 Stat. 2331, authorized direct and supplementary grants, prior to repeal by Pub. L. 105-393, §102(a).