

**(c) Savings clause**

To the extent that any portion of a grant awarded under subsection (b) involves remediation, the remediation shall be subject to section 3222 of this title.

**(d) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2004 through 2008, to remain available until expended.

(Pub. L. 89-136, title II, §218, as added Pub. L. 108-373, title II, §213(a), Oct. 27, 2004, 118 Stat. 1766.)

SUBCHAPTER III—ELIGIBILITY; COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

**§ 3161. Eligibility of areas****(a) In general**

For a project to be eligible for assistance under section 3141 or 3149 of this title, the project shall be located in an area that, on the date of submission of the application, meets 1 or more of the following criteria:

**(1) Low per capita income**

The area has a per capita income of 80 percent or less of the national average.

**(2) Unemployment rate above national average**

The area has an unemployment rate that is, for the most recent 24-month period for which data are available, at least 1 percent greater than the national average unemployment rate.

**(3) Unemployment or economic adjustment problems**

The area is an area that the Secretary determines has experienced or is about to experience a special need arising from actual or threatened severe unemployment or economic adjustment problems resulting from severe short-term or long-term changes in economic conditions.

**(b) Political boundaries of areas**

An area that meets 1 or more of the criteria of subsection (a), including a small area of poverty or high unemployment within a larger community in less economic distress, shall be eligible for assistance under section 3141 or 3149 of this title without regard to political or other subdivisions or boundaries.

**(c) Documentation****(1) In general**

A determination of eligibility under subsection (a) shall be supported by the most recent Federal data available (including data available from the Bureau of Economic Analysis, the Bureau of Labor Statistics, the Census Bureau, the Bureau of Indian Affairs, or any other Federal source determined by the Secretary to be appropriate), or, if no recent Federal data is available, by the most recent data available through the government of the State in which the area is located.

**(2) Acceptance by Secretary**

The documentation shall be accepted by the Secretary unless the Secretary determines that the documentation is inaccurate.

**(d) Prior designations**

Any designation of a redevelopment area made before the effective date of the Economic Development Administration Reform Act of 1998 shall not be effective after that effective date.

(Pub. L. 89-136, title III, §301, as added Pub. L. 105-393, title I, §102(a), Nov. 13, 1998, 112 Stat. 3607; amended Pub. L. 108-373, title III, §301, Oct. 27, 2004, 118 Stat. 1767.)

**Editorial Notes****REFERENCES IN TEXT**

For the effective date of the Economic Development Administration Reform Act of 1998, referred to in subsec. (d), see section 105 of Pub. L. 105-393, set out as an Effective Date note under section 3121 of this title.

**PRIOR PROVISIONS**

A prior section 3161, Pub. L. 89-136, title IV, §401, Aug. 26, 1965, 79 Stat. 560; Pub. L. 89-794, title XI, §1102, Nov. 8, 1966, 80 Stat. 1477; Pub. L. 91-123, title III, §304, Nov. 25, 1969, 83 Stat. 219; Pub. L. 92-65, title I, §106, Aug. 5, 1971, 85 Stat. 167; Pub. L. 93-423, §§3(a), 6, Sept. 27, 1974, 88 Stat. 1158, 1161; Pub. L. 94-487, title I, §§113, 114, Oct. 12, 1976, 90 Stat. 2334, set forth criteria for determining eligible redevelopment areas, prior to repeal by Pub. L. 105-393, §102(a).

A prior section 301 of Pub. L. 89-136 was classified to section 3151 of this title prior to repeal by Pub. L. 105-393, §102(a).

**AMENDMENTS**

2004—Subsec. (c)(1). Pub. L. 108-373 inserted “(including data available from the Bureau of Economic Analysis, the Bureau of Labor Statistics, the Census Bureau, the Bureau of Indian Affairs, or any other Federal source determined by the Secretary to be appropriate)” after “most recent Federal data available”.

**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.

**§ 3162. Comprehensive economic development strategies****(a) In general**

The Secretary may provide assistance under section 3141 or 3149 of this title (except for planning assistance under section 3149 of this title) to an eligible recipient for a project only if the eligible recipient submits to the Secretary, as part of an application for the assistance—

(1) an identification of the economic development problems to be addressed using the assistance;

(2) an identification of the past, present, and projected future economic development investments in the area receiving the assistance and public and private participants and sources of funding for the investments; and

(3)(A) a comprehensive economic development strategy for addressing the economic problems identified under paragraph (1) in a manner that promotes economic development and opportunity, fosters effective transportation access, maximizes effective development and use of the workforce consistent with any applicable State or local workforce invest-