SUBCHAPTER I—ORGANIZATION AND ADMINISTRATION

§ 14301. Establishment, membership, and employees

(a) ESTABLISHMENT.—There is an Appalachian Regional Commission.

(b) MEMBERSHIP.—

(1) FEDERAL AND STATE MEMBERS.—The Commission is composed of the Federal Cochairman, appointed by the President by and with the advice and consent of the Senate, and the Governor of each participating State in the Appalachian region.

(2) ALTERNATE MEMBERS.—Each state member may have a single alternate, appointed by the Governor from among the members of the Governor's cabinet or the Governor's personal staff. The President, by and with the advice and consent of the Senate, shall appoint an alternate for the Federal Cochairman. An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the member for whom the individual is an alternate. A state alternate shall not be counted toward the establishment of a quorum of the Commission when a quorum of the state members is required.

(3) COCHAIRMEN.—The Federal Cochairman is one of the two Cochairmen of the Commission. The state members shall elect a Cochairman of the Commission from among themselves for a term of not less than one year.

(c) COMPENSATION.—The Federal Cochairman shall be compensated by the Federal Government at level III of the Executive Schedule as set out in section 5314 of title 5. The Federal Cochairman's alternate shall be compensated by the Government at level V of the Executive Schedule as set out in section 5316 of title 5. Each state member and alternate shall be compensated by the State which they represent at the rate established by law of that State.

(d) DELEGATION.—

(1) POWERS AND RESPONSIBILITIES.—Commission powers and responsibilities specified in section 14302(c) and (d) of this title, and the vote of any Commission member, may not be delegated to an individual who is not a Commission member or who is not entitled to vote in Commission meetings.

(2) ALTERNATE FEDERAL COCHAIRMAN.—The alternate to the Federal Cochairman shall perform the functions and duties the Federal Cochairman delegates when not actively serving as the alternate.

(e) EXECUTIVE DIRECTOR.—The Commission has an executive director. The executive director is responsible for carrying out the administrative functions of the Commission, for directing the Commission staff, and for other duties the Commission may assign.

(f) STATUS OF PERSONNEL.—Members, alternates, officers, and employees of the Commission are not federal employees for any purpose, except the Federal Cochairman, the alternate to the Federal Cochairman, the staff of the Federal Cochairman, and federal employees detailed to the Commission under section 14306(a)(3) of this title.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1256.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
14301(a), (b)(1).	40 App.:101(a)(1) (1st, 3d sentences).	Pub. L. 89–4, title I, §101(a)(1), (c), (d), Mar. 9, 1965, 79 Stat. 6; Pub. L. 94–188, title I, §§103(1), (2), (4), (5), 104, Dec. 31, 1975, 89 Stat. 1079, 1080; Pub. L. 105–393, title II, §203(a)(1), (b)(2), Nov. 13, 1998, 112 Stat. 3619.
14301(b)(2) ..	40 App.:101(c) (1st–4th sentences).	
14301(b)(3) ..	40 App.:101(a)(1) (2d, last sentences).	
14301(c)	40 App.:101(d) (1st sentence, 2d sentence related to compensation, last sentence).	
14301(d)(1) ..	40 App.:101(c) (last sentence).	
14301(d)(2) ..	40 App.:101(d) (2d sentence related to delegation).	
14301(e)	40 App.:106(2) (2d sentence).	Pub. L. 89–4, title I, §106(2) (2d, last sentences), Mar. 9, 1965, 79 Stat. 8; Pub. L. 94–188, title I, §108, Dec. 31, 1975, 89 Stat. 1081.
14301(f)	40 App.:106(2) (last sentence).	

In subsection (e), the words ''The Commission has an executive director'' are added for clarity.

§ 14302. Decisions

(a) REQUIREMENTS FOR APPROVAL.—Except as provided in section 14306(d) of this title, decisions by the Appalachian Regional Commission require the affirmative vote of the Federal Cochairman and of a majority of the state members, exclusive of members representing States delinquent under section 14306(d).

(b) CONSULTATION.—In matters coming before the Commission, the Federal Cochairman, to the extent practicable, shall consult with the federal departments and agencies having an interest in the subject matter.

(c) DECISIONS REQUIRING QUORUM OF STATE MEMBERS.—A decision involving Commission policy, approval of state, regional or subregional development plans or strategy statements, modification or revision of the Appalachian Regional Commission Code, allocation of amounts among the States, or designation of a distressed county or an economically strong county shall not be made without a quorum of state members.

(d) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals is a responsibility of the Commission and shall be carried out in accordance with section 14322 of this title.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1257.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
14302	40 App.:101(b).	Pub. L. 89–4, title I, §101(b), Mar. 9, 1965, 79 Stat. 6; Pub. L. 94–188, title I, §103(3), Dec. 31, 1975, 89 Stat. 1080; Pub. L. 105–393, title II, §203(c), Nov. 13, 1998, 112 Stat. 3619; Pub. L. 107–149, §13(a), Mar. 12, 2002, 116 Stat. 71.

§ 14303. Functions

(a) IN GENERAL.—In carrying out the purposes of this subtitle, the Appalachian Regional Commission shall—

(1) develop, on a continuing basis, comprehensive and coordinated plans and programs and establish priorities under those plans and programs, giving due consideration to other federal, state, and local planning in the Appalachian region;

(2) conduct and sponsor investigations, research, and studies, including an inventory and analysis of the resources of the region, and, in cooperation with federal, state, and local agencies, sponsor demonstration projects designed to foster regional productivity and growth;

(3) review and study, in cooperation with the agency involved, federal, state, and local public and private programs and, where appropriate, recommend modifications or additions which will increase their effectiveness in the region;

(4) formulate and recommend, where appropriate, interstate compacts and other forms of interstate cooperation and work with state and local agencies in developing appropriate model legislation;

(5) encourage the formation of, and support, local development districts;

(6) encourage private investment in industrial, commercial, and recreational projects;

(7) serve as a focal point and coordinating unit for Appalachian programs;

(8) provide a forum for consideration of problems of the region and proposed solutions and establish and utilize, as appropriate, citizens and special advisory councils and public conferences;

(9) encourage the use of eco-industrial development technologies and approaches; and

(10) seek to coordinate the economic development activities of, and the use of economic development resources by, federal agencies in the region.

(b) IDENTIFY NEEDS AND GOALS OF SUBREGIONAL AREAS.—In carrying out its functions under this section, the Commission shall identify the characteristics of, and may distinguish between the needs and goals of, appropriate subregional areas, including central, northern, and southern Appalachia.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1258.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
14303	40 App.:102.	Pub. L. 89–4, title I, § 102, Mar. 9, 1965, 79 Stat. 7; Pub. L. 90–103, title I, § 102, Oct. 11, 1967, 81 Stat. 257; Pub. L. 94–188, title I, § 105, Dec. 31, 1975, 89 Stat. 1080; Pub. L. 107–149, § 3, Mar. 12, 2002, 116 Stat. 66.

TERMINATION OF ADVISORY COUNCILS

Advisory councils established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 14304. Recommendations

The Appalachian Regional Commission may make recommendations to the President and to the Governors and appropriate local officials with respect to—

(1) the expenditure of amounts by federal, state, and local departments and agencies in the Appalachian region in the fields of natural resources, agriculture, education, training, and health and welfare and in other fields related to the purposes of this subtitle; and

(2) additional federal, state, and local legislation or administrative actions as the Commission considers necessary to further the purposes of this subtitle.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1258.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
14304	40 App.:103.	Pub. L. 89–4, title I, § 103, Mar. 9, 1965, 79 Stat. 7.

Before clause (1), the words ''from time to time'' are omitted as unnecessary.

§ 14305. Liaison between Federal Government and Commission

(a) PRESIDENT.—The President shall provide effective and continuing liaison between the Federal Government and the Appalachian Regional Commission and a coordinated review within the Government of the plans and recommendations submitted by the Commission pursuant to sections 14303 and 14304 of this title.

(b) INTERAGENCY COORDINATING COUNCIL ON APPALACHIA.—In carrying out subsection (a), the President shall establish the Interagency Coordinating Council on Appalachia, to be composed of the Federal Cochairman and representatives of federal agencies that carry out economic development programs in the Appalachian region. The Federal Cochairman is the Chairperson of the Council.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1259.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
14305(a)	40 App.:104(a).	Pub. L. 89–4, title I, § 104(a), Mar. 9, 1965, 79 Stat. 8; Pub. L. 107–149, § 4(1), Mar. 12, 2002, 116 Stat. 67.
14305(b)	40 App.:104(b)	Pub. L. 89–4, title I, § 104(b), as added Pub. L. 107–149, § 4(2), Mar. 12, 2002, 116 Stat. 67.

§ 14306. Administrative powers and expenses

(a) POWERS.—To carry out its duties under this subtitle, the Appalachian Regional Commission may—

(1) adopt, amend, and repeal bylaws and regulations governing the conduct of its business and the performance of its functions;