

project under this subtitle shall be made through the state member of the Commission representing the applicant. The state member shall evaluate the application for approval. To be approved, the state member must certify, and the Federal Cochairman must determine, that the application—

- (1) implements the Commission-approved state development plan;
- (2) is included in the Commission-approved strategy statement;
- (3) adequately ensures that the project will be properly administered, operated, and maintained; and
- (4) otherwise meets the requirements for assistance under this subtitle.

(c) **AFFIRMATIVE VOTE REQUIREMENT DEEMED MET.**—After the appropriate state development plan and strategy statement are approved, certification by a state member, when joined by an affirmative vote of the Federal Cochairman, is deemed to satisfy the requirements for affirmative votes for decisions under section 14302(a) of this title.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1264.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
14322(a)	40 App.:303 (1st sentence).	Pub. L. 89-4, title III, §303, Mar. 9, 1965, 79 Stat. 20; Pub. L. 90-103, title I, §121, Oct. 11, 1967, 81 Stat. 265; Pub. L. 94-188, title I, §120, Dec. 31, 1975, 89 Stat. 1086; Pub. L. 107-149, §13(d), Mar. 12, 2002, 116 Stat. 72.
14322(b)	40 App.:303 (2d, 3d sentences).	
14322(c)	40 App.:303 (last sentence).	

CHAPTER 145—SPECIAL APPALACHIAN PROGRAMS

SUBCHAPTER I—PROGRAMS

- Sec. 14501. Appalachian development highway system.
- 14502. Demonstration health projects.
- 14503. Assistance for proposed low- and middle-income housing projects.
- 14504. Telecommunications and technology initiative.
- 14505. Entrepreneurship initiative.
- 14506. Regional skills partnerships.
- 14507. Supplements to federal grant programs.
- 14508. Economic and energy development initiative.

SUBCHAPTER II—ADMINISTRATIVE

- 14521. Required level of expenditure.
- 14522. Consent of States.
- 14523. Program implementation.
- 14524. Program development criteria.
- 14525. State development planning process.
- 14526. Distressed, at-risk, and economically strong counties.

AMENDMENTS

2008—Pub. L. 110-371, §§3(b), 4(b), Oct. 8, 2008, 122 Stat. 4041, added items 14508 and 14526 and struck out former item 14526 “Distressed and economically strong counties”.

SUBCHAPTER I—PROGRAMS

§ 14501. Appalachian development highway system

(a) **PURPOSE.**—To provide a highway system which, in conjunction with the Interstate Sys-

tem and other Federal-aid highways in the Appalachian region, will open up an area with a developmental potential where commerce and communication have been inhibited by lack of adequate access, the Secretary of Transportation may assist in the construction of an Appalachian development highway system and local access roads serving the Appalachian region. Construction on the development highway system shall not be more than three thousand and ninety miles. There shall not be more than 1,400 miles of local access roads that serve specific recreational, residential, educational, commercial, industrial, or similar facilities or facilitate a school consolidation program.

(b) **COMMISSION DESIGNATIONS.**—

(1) **WHAT IS TO BE DESIGNATED.**—The Appalachian Regional Commission shall transmit to the Secretary its designations of—

- (A) the general corridor location and termini of the development highways;
- (B) local access roads to be constructed;
- (C) priorities for the construction of segments of the development highways; and
- (D) other criteria for the program authorized by this section.

(2) **STATE TRANSPORTATION DEPARTMENT RECOMMENDATION REQUIRED.**—Before a state member participates in or votes on designations, the member must obtain the recommendations of the state transportation department of the State which the member represents.

(c) **ADDITION TO FEDERAL-AID PRIMARY SYSTEM.**—When completed, each development highway not already on the Federal-aid primary system shall be added to the system.

(d) **USE OF SPECIFIC MATERIALS AND PRODUCTS.**—

(1) **INDIGENOUS MATERIALS AND PRODUCTS.**—In the construction of highways and roads authorized under this section, a State may give special preference to the use of materials and products indigenous to the Appalachian region.

(2) **COAL DERIVATIVES.**—For research and development in the use of coal and coal products in highway construction and maintenance, the Secretary may require each participating State, to the maximum extent possible, to use coal derivatives in the construction of not more than 10 percent of the roads authorized under this subtitle.

(e) **FEDERAL SHARE.**—Federal assistance to any construction project under this section shall not be more than 80 percent of the cost of the project.

(f) **CONSTRUCTION WITHOUT FEDERAL AMOUNTS.**—

(1) **PAYMENT OF FEDERAL SHARE.**—When a participating State constructs a segment of a development highway without the aid of federal amounts and the construction is in accordance with all procedures and requirements applicable to the construction of segments of Appalachian development highways with those amounts, except for procedures and requirements that limit a State to the construction of projects for which federal amounts have previously been appropriated, the Secretary, on application by the State and with the ap-

proval of the Commission, may pay to the State the federal share, which shall not be more than 80 percent of the cost of the construction of the segment, from any amounts appropriated and allocated to the State to carry out this section.

(2) NO COMMITMENT OR OBLIGATION.—This subsection does not commit or obligate the Federal Government to provide amounts for segments of development highways constructed under this subsection.

(g) APPLICATION OF TITLE 23.—

(1) SECTIONS 106(a) AND 118.—Sections 106(a) and 118 of title 23 apply to the development highway system and the local access roads.

(2) CONSTRUCTION AND MAINTENANCE.—States are required to maintain each development highway and local access road as provided for Federal-aid highways in title 23. All other provisions of title 23 that are applicable to the construction and maintenance of Federal-aid primary and secondary highways and which the Secretary decides are not inconsistent with this subtitle shall apply to the system and roads, respectively.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1265; Pub. L. 108–199, div. F, title I, §123(a), Jan. 23, 2004, 118 Stat. 296.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
14501(a)	40 App.:201(a) (1st, 3d, last sentences).	Pub. L. 89–4, title II, §201, Mar. 9, 1965, 79 Stat. 10; Pub. L. 89–670, §8(b), Oct. 15, 1966, 80 Stat. 942; Pub. L. 90–103, title I, §106, Oct. 11, 1967, 81 Stat. 258; Pub. L. 91–123, title I, §103, Nov. 25, 1969, 83 Stat. 214; Pub. L. 92–65, title II, §204, Aug. 5, 1971, 85 Stat. 168; Pub. L. 94–188, title I, §110, Dec. 31, 1975, 89 Stat. 1081; Pub. L. 95–599, title I, §138(a), (b), Nov. 6, 1978, 92 Stat. 2710; Pub. L. 96–506, §3(3), Dec. 8, 1980, 94 Stat. 2746; Pub. L. 97–35, title XVIII, §1822(a)(2), Aug. 13, 1981, 95 Stat. 767; Pub. L. 105–178, title I, §1117(c), title II, §1212(a)(2)(B)(iii), June 9, 1998, 112 Stat. 160, 193.
14501(b)	40 App.:201(b).	
14501(c)	40 App.:201(c) (1st sentence, last sentence words before “and each”).	
14501(d)(1) ..	40 App.:201(d).	
14501(d)(2) ..	40 App.:201(e).	
14501(e)	40 App.:201(f), (g).	
14501(f)	40 App.:201(h).	
14501(g)(1) ..	40 App.:201(a) (2d sentence words before 6th comma).	
14501(g)(2) ..	40 App.:201(a) (2d sentence words after 6th comma), (c) (last sentence words after “to such system”).	

In subsection (c), the text of 40 App.:201(c) (1st sentence) is omitted as obsolete because appropriations were not authorized under 40 App.:201(g) after fiscal year 1982.

In subsection (e), the text of 40 App.:201(g) is omitted as obsolete.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108–199, which directed substitution of “three thousand and ninety” for “three

thousand and twenty-five” in third sentence, was executed by substituting “three thousand and ninety” for “3,025” in second sentence of subsec. (a) to reflect the probable intent of Congress.

§ 14502. Demonstration health projects

(a) PURPOSE.—To demonstrate the value of adequate health facilities and services to the economic development of the Appalachian region, the Secretary of Health and Human Services may make grants for the planning, construction, equipment, and operation of multi-county demonstration health, nutrition, and child care projects, including hospitals, regional health diagnostic and treatment centers, and other facilities and services necessary for the purposes of this section.

(b) PLANNING GRANTS.—

(1) AUTHORITY TO PROVIDE AMOUNTS AND MAKE GRANTS.—The Secretary may provide amounts to the Appalachian Regional Commission for the support of its Health Advisory Committee and may make grants for expenses of planning necessary for the development and operation of demonstration health projects for the region.

(2) LIMITATION ON AVAILABLE AMOUNTS.—The amount of a grant under this section for planning shall not be more than 75 percent of expenses.

(3) SOURCES OF ASSISTANCE.—The federal contribution may be provided entirely from amounts authorized under this section or in combination with amounts provided under other federal or federal grant programs.

(4) FEDERAL SHARE.—Notwithstanding any provision of law limiting the federal share in those other programs, amounts appropriated to carry out this section may be used to increase the federal share to the maximum percentage cost of a grant authorized by this subsection.

(c) CONSTRUCTION AND EQUIPMENT GRANTS.—

(1) ADDITIONAL USES FOR CONSTRUCTION GRANTS.—Grants under this section for construction may also be used for—

(A) the acquisition of privately owned facilities—

- (i) not operated for profit; or
- (ii) previously operated for profit if the Commission finds that health services would not otherwise be provided in the area served by the facility if the acquisition is not made; and

(B) initial equipment.

(2) STANDARDS FOR MAKING GRANTS.—Grants under this section for construction shall be made in accordance with section 14523 of this title and shall not be incompatible with the applicable provisions of title VI of the Public Health Service Act (42 U.S.C. 291 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.), and other laws authorizing grants for the construction of health-related facilities, without regard to any provisions in those laws relating to appropriation authorization ceilings or to allotments among the States.

(3) LIMITATION ON AVAILABLE AMOUNTS.—A grant for the construction or equipment of any

component of a demonstration health project shall not be more than 80 percent of the cost.

(4) SOURCES OF ASSISTANCE.—The federal contribution may be provided entirely from amounts authorized under this section or in combination with amounts provided under other federal grant programs for the construction or equipment of health-related facilities.

(5) FEDERAL SHARE.—Notwithstanding any provision of law limiting the federal share in those other programs, amounts authorized under this section may be used to increase federal grants for component facilities of a demonstration health project to a maximum of 80 percent of the cost of the facilities.

(d) OPERATION GRANTS.—

(1) STANDARDS FOR MAKING GRANTS.—A grant for the operation of a demonstration health project shall not be made—

(A) unless the facility is publicly owned, or owned by a public or private nonprofit organization, and is not operated for profit;

(B) after five years following the commencement of the initial grant for operation of the project, except that child development demonstrations assisted under this section during fiscal year 1979 may be approved under section 14322 of this title for continued support beyond that period, on request of the State, if the Commission finds that no federal, state, or local amounts are available to continue the project; and

(C) unless the Secretary of Health and Human Services is satisfied that the operation of the project will be conducted under efficient management practices designed to obviate operating deficits.

(2) LIMITATION ON AVAILABLE AMOUNTS.—Grants under this section for the operation (including initial operating amounts and operating deficits, which include the cost of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with amounts authorized to be appropriated by this section, may be made for up to—

(A) 50 percent of the cost of that operation;

(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of the cost of that operation; or

(C) in the case of a project to be carried out for a county for which an at-risk county designation is in effect under section 14526, 70 percent of the cost of that operation.

(3) SOURCES OF ASSISTANCE.—The federal contribution may be provided entirely from amounts appropriated to carry out this section or in combination with amounts provided under other federal grant programs for the operation of health related facilities and the provision of health and child development services, including parts A and B of title IV and title XX of the Social Security Act (42 U.S.C. 601 et seq., 620 et seq., 1397 et seq.).

(4) FEDERAL SHARE.—Notwithstanding any provision of law limiting the federal share in those other programs, amounts appropriated to carry out this section may be used to in-

crease federal grants for operating components of a demonstration health project to the maximum percentage cost of a grant authorized by this subsection.

(5) STATE DEEMED TO MEET REQUIREMENT OF PROVIDING ASSISTANCE OR SERVICES ON STATE-WIDE BASIS.—Notwithstanding any provision of the Social Security Act (42 U.S.C. 301 et seq.) requiring assistance or services on a statewide basis, a State providing assistance or services under a federal grant program described in paragraph (2) in any area of the region approved by the Commission is deemed to be meeting that requirement.

(e) GRANT SOURCES AND USE OF GRANTS IN COMPUTING ALLOTMENTS.—Grants under this section—

(1) shall be made only out of amounts specifically appropriated for the purpose of carrying out this subtitle; and

(2) shall not be taken into account in computing allotments among the States under any other law.

(f) MAXIMUM COMMISSION CONTRIBUTION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Commission may contribute not more than 50 percent of any project cost eligible for financial assistance under this section from amounts appropriated to carry out this subtitle.

(2) DISTRESSED COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title may be increased to the lesser of—

(A) 80 percent; or

(B) the maximum federal contribution percentage authorized by this section.

(3) AT-RISK COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to the lesser of—

(A) 70 percent; or

(B) the maximum Federal contribution percentage authorized by this section.

(g) EMPHASIS ON OCCUPATIONAL DISEASES FROM COAL MINING.—To provide for the further development of the Appalachian region's human resources, grants under this section shall give special emphasis to programs and research for the early detection, diagnosis, and treatment of occupational diseases arising from coal mining, such as black lung.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1266; Pub. L. 110-371, §2(b), Oct. 8, 2008, 122 Stat. 4038.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
14502(a)	40 App.:202(a) (1st sentence).	Pub. L. 89-4, title II, § 202(a)-(e), Mar. 9, 1965, 79 Stat. 11; Pub. L. 90-103, title I, § 107, Oct. 11, 1967, 81 Stat. 259; Pub. L. 91-123, title I, § 104, Nov. 25, 1969, 83 Stat. 214; Pub. L. 92-65, title II, § 206, Aug. 5, 1971, 85 Stat. 169; Pub. L. 94-188, title I, § 111, Dec. 31, 1975, 89 Stat. 1081; Pub. L. 95-193, § 1, Nov. 18, 1977, 91 Stat. 1412; Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695; Pub. L. 96-545, § 2, Dec. 18, 1980, 94 Stat. 3215; Pub. L. 105-393, title II, § 207(a), (c), Nov. 13, 1998, 112 Stat. 3620; Pub. L. 107-149, § 13(c), (d), Mar. 12, 2002, 116 Stat. 71.
14502(b)	40 App.:202(d).	
14502(c)(1), (2).	40 App.:202(a) (2d sentence).	
14502(c)(3)-(5).	40 App.:202(b).	
14502(d)(1) ..	40 App.:202(c) (5th-last sentences).	
14502(d)(2), (3).	40 App.:202(c) (1st, 2d sentences).	
14502(d)(4) ..	40 App.:202(c) (4th sentence).	
14502(d)(5) ..	40 App.:202(c) (3d sentence).	
14502(e)	40 App.:202(a) (last sentence).	
14502(f)	40 App.:202(f).	Pub. L. 89-4, title II, § 202(f), as added Pub. L. 105-393, title II, § 207(b), Nov. 13, 1998, 112 Stat. 3620.
14502(g)	40 App.:202(e).	

In subsection (c)(1)(A)(ii), the words “where the acquisition of such facilities is the most cost-effective means for providing increased health services” are omitted as unnecessary because of the more narrow requirement that the Commission find that but for the acquisition of the facility, the health services would not be otherwise provided in the area served by the facility.

In subsection (f)(1), the words “After September 30, 1998” are omitted as obsolete.

REFERENCES IN TEXT

The Public Health Service Act, referred to in subsec. (c)(2), is act July 1, 1944, ch. 373, 58 Stat. 682, as amended. Title VI of the Act is classified generally to subchapter IV (§ 291 et seq.) of chapter 6A of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 201 of Title 42 and Tables.

The Developmental Disabilities Assistance and Bill of Rights Act of 2000, referred to in subsec. (c)(2), is Pub. L. 106-402, Oct. 30, 2000, 114 Stat. 1677, as amended, which is classified principally to chapter 144 (§ 15001 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 15001 of Title 42 and Tables.

The Social Security Act, referred to in subsec. (d)(3), (5), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§ 301 et seq.) of Title 42, The Public Health and Welfare. Parts A and B of title IV of the Act are classified generally to parts A (§ 601 et seq.) and B (§ 620 et seq.) of subchapter IV of chapter 7 of Title 42. Title XX of the Act is classified generally to subchapter XX (§ 1397 et seq.) of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

AMENDMENTS

2008—Subsec. (d)(2). Pub. L. 110-371, § 2(b)(1), added par. (2) and struck out heading and text of former par. (2). Text read as follows: “Grants under this section for the operation (including initial operating amounts and

operating deficits, which include the cost of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with amounts authorized by this section, may be made for up to 50 percent of the cost of that operation (or 80 percent of the cost of that operation for a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title).”

Subsec. (f)(1). Pub. L. 110-371, § 2(b)(2)(A), substituted “paragraphs (2) and (3)” for “paragraph (2)”.

Subsec. (f)(3). Pub. L. 110-371, § 2(b)(2)(B), added par. (3).

TERMINATION OF ADVISORY COMMITTEE

Advisory committees 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 committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 14503. Assistance for proposed low- and middle-income housing projects

(a) APPALACHIAN HOUSING FUND.—

(1) ESTABLISHMENT.—There is an Appalachian Housing Fund.

(2) SOURCE AND USE OF AMOUNTS IN FUND.—Amounts allocated to the Secretary of Housing and Urban Development for the purposes of this section shall be deposited in the Fund. The Secretary shall use the Fund as a revolving fund to carry out those purposes. Amounts in the Fund not needed for current operation may be invested in bonds or other obligations the Federal Government guarantees as to principal and interest. General expenses of administration of this section may be charged to the Fund.

(b) PURPOSE.—To encourage and facilitate the construction or rehabilitation of housing to meet the needs of low- and moderate-income families and individuals, the Secretary may make grants and loans from the Fund, under terms and conditions the Secretary may prescribe. The grants and loans may be made to nonprofit, limited dividend, or cooperative organizations and public bodies and are for planning and obtaining federally insured mortgage financing or other financial assistance for housing construction or rehabilitation projects for low- and moderate-income families and individuals, in any area of the Appalachian region the Appalachian Regional Commission establishes, under—

(1) section 221 of the National Housing Act (12 U.S.C. 1715l);

(2) section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

(3) section 515 of the Housing Act of 1949 (42 U.S.C. 1485); or

(4) any other law of similar purpose administered by the Secretary or any other department, agency, or instrumentality of the Federal Government or a state government.

(c) PROVIDING AMOUNTS TO STATES FOR GRANTS AND LOANS.—The Secretary or the Commission

may provide amounts to the States for making grants and loans to nonprofit, limited dividend, or cooperative organizations and public bodies for the purposes for which the Secretary may provide amounts under this section.

(d) LOANS.—

(1) LIMITATION ON AVAILABLE AMOUNTS.—A loan under subsection (b) for the cost of planning and obtaining financing (including the cost of preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts) of a project described in that subsection may be made for up to—

(A) 50 percent of that cost;

(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of that cost; or

(C) in the case of a project to be carried out for a county for which an at-risk county designation is in effect under section 14526, 70 percent of that cost.

(2) INTEREST.—A loan shall be made without interest, except that a loan made to an organization established for profit shall bear interest at the prevailing market rate authorized for an insured or guaranteed loan for that type of project.

(3) PAYMENT.—The Secretary shall require payment of a loan made under this section, under terms and conditions the Secretary may require, no later than on completion of the project. Except for a loan to an organization established for profit, the Secretary may cancel any part of a loan made under this section on determining that a permanent loan to finance the project cannot be obtained in an amount adequate for repayment of a loan made under this section.

(e) GRANTS.—

(1) IN GENERAL.—A grant under this section for expenses incidental to planning and obtaining financing for a project under this section that the Secretary considers to be unrecoverable from the proceeds of a permanent loan made to finance the project shall—

(A) not be made to an organization established for profit; and

(B) except as provided in paragraph (2), not exceed—

(i) 50 percent of those expenses;

(ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of those expenses; or

(iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent of those expenses.

(2) SITE DEVELOPMENT COSTS AND OFFSITE IMPROVEMENTS.—The Secretary may make grants and commitments for grants, and may advance amounts under terms and conditions the Secretary may require, to nonprofit, limited dividend, or cooperative organizations and public bodies for reasonable site development costs and necessary offsite improve-

ments, such as sewer and water line extensions, when the grant, commitment, or advance is essential to the economic feasibility of a housing construction or rehabilitation project for low- and moderate-income families and individuals which otherwise meets the requirements for assistance under this section. A grant under this paragraph for—

(A) the construction of housing shall not be more than 10 percent of the cost of the project; and

(B) the rehabilitation of housing shall not be more than 10 percent of the reasonable value of the rehabilitation housing, as determined by the Secretary.

(f) INFORMATION, ADVICE, AND TECHNICAL ASSISTANCE.—The Secretary or the Commission may provide, or contract with public or private organizations to provide, information, advice, and technical assistance with respect to the construction, rehabilitation, and operation by nonprofit organizations of housing for low- or moderate-income families in areas of the region the Commission establishes.

(g) APPLICATION OF CERTAIN PROVISIONS.—Programs and projects assisted under this section are subject to the provisions cited in section 14701 of this title to the extent provided in the laws authorizing assistance for low- and moderate-income housing.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1268; Pub. L. 110-371, §2(c), Oct. 8, 2008, 122 Stat. 4038.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
14503(a)	40 App.:207(d).	Pub. L. 89-4, title II, §207, as added Pub. L. 90-103, title I, §112, Oct. 11, 1967, 81 Stat. 261; Pub. L. 90-448, title II, §201(f), Aug. 1, 1968, 82 Stat. 502; Pub. L. 91-123, title I, §106, Nov. 25, 1969, 83 Stat. 215; Pub. L. 92-65, title II, §208, Aug. 5, 1971, 85 Stat. 169; Pub. L. 94-188, title I, §113, Dec. 31, 1975, 89 Stat. 1082; Pub. L. 105-393, title II, §212, Nov. 13, 1998, 112 Stat. 3621; Pub. L. 107-149, §13(e), Mar. 12, 2002, 116 Stat. 71.
14503(b)	40 App.:207(a).	
14503(c)	40 App.:207(e) (words after "areas of the region").	
14503(d)	40 App.:207(b).	
14503(e)	40 App.:207(c).	
14503(f)	40 App.:207(e) (words before "and may provide funds").	
14503(g)	40 App.:207(f).	

Subsection (a)(1) is added for clarity and for consistency with other titles of the United States Code.

In subsection (g), the words "notwithstanding such section" are omitted as unnecessary.

AMENDMENTS

2008—Subsec. (d)(1). Pub. L. 110-371, §2(c)(1), added par. (1) and struck out heading and text of former par. (1). Text read as follows: "A loan under subsection (b) shall not be more than 50 percent (or 80 percent for a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title) of the cost of planning and obtaining financing for a project, including preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application

and mortgage commitment fees, legal fees, and construction loan fees and discounts.”

Subsec. (e)(1). Pub. L. 110-371, §2(c)(2), added par. (1) and struck out heading and text of former par. (1). Text read as follows: “A grant under this section shall not be made to an organization established for profit and, except as provided in paragraph (2), shall not exceed 50 percent (or 80 percent for a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title) of expenses, incident to planning and obtaining financing for a project, which the Secretary considers not to be recoverable from the proceeds of a permanent loan made to finance the project.”

§ 14504. Telecommunications and technology initiative

(a) PROJECTS TO BE ASSISTED.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to persons or entities in the region for projects—

- (1) to increase affordable access to advanced telecommunications, entrepreneurship, and management technologies or applications in the region;
- (2) to provide education and training in the use of telecommunications and technology;
- (3) to develop programs to increase the readiness of industry groups and businesses in the region to engage in electronic commerce; or
- (4) to support entrepreneurial opportunities for businesses in the information technology sector.

(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

- (1) 50 percent may be provided from amounts appropriated to carry out this section;
- (2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or
- (3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.

(c) SOURCES OF ASSISTANCE.—Assistance under this section may be provided entirely from amounts made available to carry out this section, in combination with amounts made available under other federal programs, or from any other source.

(d) FEDERAL SHARE.—Notwithstanding any provision of law limiting the federal share under any other federal program, amounts made available to carry out this section may be used to increase that federal share, as the Commission decides is appropriate.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1270; Pub. L. 110-371, §2(d), Oct. 8, 2008, 122 Stat. 4039.)

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
14504(d)	40 App.:203(b)(2).	

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-371 added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows: “Not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title) of the cost of any activity eligible for a grant under this section may be provided from amounts appropriated to carry out this section.”

§ 14505. Entrepreneurship initiative

(a) BUSINESS INCUBATOR SERVICE.—In this section, the term “business incubator service” means a professional or technical service necessary for the initiation and initial sustainment of the operations of a newly established business, including a service such as—

- (1) a legal service, including aid in preparing a corporate charter, partnership agreement, or basic contract;
- (2) a service in support of the protection of intellectual property through a patent, a trademark, or any other means;
- (3) a service in support of the acquisition and use of advanced technology, including the use of Internet services and Web-based services; and
- (4) consultation on strategic planning, marketing, or advertising.

(b) PROJECTS TO BE ASSISTED.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to persons or entities in the region for projects—

- (1) to support the advancement of, and provide, entrepreneurial training and education for youths, students, and businesspersons;
- (2) to improve access to debt and equity capital by such means as facilitating the establishment of development venture capital funds;
- (3) to aid communities in identifying, developing, and implementing development strategies for various sectors of the economy;
- (4) to develop a working network of business incubators; and
- (5) to support entities that provide business incubator services.

(c) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

- (1) 50 percent may be provided from amounts appropriated to carry out this section;
- (2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or
- (3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.

(d) SOURCES OF ASSISTANCE.—Assistance under this section may be provided entirely from

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
14504(a)	40 App.:203(a).	Pub. L. 89-4, title II, §203, as added Pub. L. 107-149, §5, Mar. 12, 2002, 116 Stat. 67.
14504(b)	40 App.:203(c).	
14504(c)	40 App.:203(b)(1).	

amounts made available to carry out this section, in combination with amounts made available under other federal programs, or from any other source.

(e) **FEDERAL SHARE.**—Notwithstanding any provision of law limiting the federal share under any other federal program, amounts made available to carry out this section may be used to increase that federal share, as the Commission decides is appropriate.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1271; Pub. L. 110-371, § 2(e), Oct. 8, 2008, 122 Stat. 4039.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
14505(a)	40 App.:204(a).	Pub. L. 89-4, title II, § 204, as added Pub. L. 107-149, § 6, Mar. 12, 2002, 116 Stat. 68.
14505(b)	40 App.:204(b).	
14505(c)	40 App.:204(d).	
14505(d)	40 App.:204(c)(1).	
14505(e)	40 App.:204(c)(2).	

AMENDMENTS

2008—Subsec. (c). Pub. L. 110-371 added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: “Not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title) of the cost of any activity eligible for a grant under this section may be provided from amounts appropriated to carry out this section.”

§ 14506. Regional skills partnerships

(a) **ELIGIBLE ENTITY.**—In this section, the term “eligible entity” means a consortium that—

- (1) is established to serve one or more industries in a specified geographic area; and
- (2) consists of representatives of—
 - (A) businesses (or a nonprofit organization that represents businesses);
 - (B) labor organizations;
 - (C) State and local governments; or
 - (D) educational institutions.

(b) **PROJECTS TO BE ASSISTED.**—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to eligible entities in the region for projects to improve the job skills of workers for a specified industry, including projects for—

- (1) the assessment of training and job skill needs for the industry;
- (2) the development of curricula and training methods, including, in appropriate cases, electronic learning or technology-based training;
- (3) the identification of training providers;
- (4) the development of partnerships between the industry and educational institutions, including community colleges;
- (5) the development of apprenticeship programs;
- (6) the development of training programs for workers, including dislocated workers; and
- (7) the development of training plans for businesses.

(c) **ADMINISTRATIVE COSTS.**—An eligible entity may use not more than 10 percent of amounts made available to the eligible entity under subsection (b) to pay administrative costs associ-

ated with the projects described in subsection (b).

(d) **LIMITATION ON AVAILABLE AMOUNTS.**—Of the cost of any activity eligible for a grant under this section, not more than—

- (1) 50 percent may be provided from amounts appropriated to carry out this section;
- (2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or
- (3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.

(e) **SOURCES OF ASSISTANCE.**—Assistance under this section may be provided entirely from amounts made available to carry out this section, in combination with amounts made available under other federal programs, or from any other source.

(f) **FEDERAL SHARE.**—Notwithstanding any provision of law limiting the federal share under any other federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Commission decides is appropriate.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1271; Pub. L. 110-371, § 2(f), Oct. 8, 2008, 122 Stat. 4039.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
14506(a)	40 App.:205(a).	Pub. L. 89-4, title II, § 205, as added Pub. L. 107-149, § 7, Mar. 12, 2002, 116 Stat. 69.
14506(b)	40 App.:205(b).	
14506(c)	40 App.:205(c).	
14506(d)	40 App.:205(e).	
14506(e)	40 App.:205(d)(1).	
14506(f)	40 App.:205(d)(2).	

AMENDMENTS

2008—Subsec. (d). Pub. L. 110-371 added subsec. (d) and struck out heading and text of former subsec. (d). Text read as follows: “Not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title) of the cost of any activity eligible for a grant under this section may be provided from amounts appropriated to carry out this section.”

§ 14507. Supplements to federal grant programs

(a) **DEFINITION.**—

(1) **FEDERAL GRANT PROGRAMS.**—In this section, the term “federal grant programs”—

(A) means any federal grant program that provides assistance for the acquisition or development of land, the construction or equipment of facilities, or other community or economic development or economic adjustment activities, including a federal grant program authorized by—

- (i) the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.);
- (ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.);
- (iii) the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.);

(iv) the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);

(v) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (known as the Clean Water Act);

(vi) title VI of the Public Health Services Act (42 U.S.C. 291 et seq.);

(vii) sections 201 and 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141, 3149);

(viii) title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); and

(ix) part IV of title III of the Communications Act of 1934 (47 U.S.C. 390 et seq.); but

(B) does not include—

(i) the program for the construction of the development highway system authorized by section 14501 of this title or any other program relating to highway or road construction authorized by title 23; or

(ii) any other program to the extent that financial assistance other than a grant is authorized.

(2) CERTAIN SEWAGE TREATMENT WORKS DEEMED CONSTRUCTED WITH FEDERAL GRANT ASSISTANCE.—For the purpose of this section, any sewage treatment works constructed pursuant to title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (known as the Clean Water Act) without federal grant assistance under that title is deemed to be constructed with that assistance.

(b) PURPOSE.—To enable the people, States, and local communities of the Appalachian region, including local development districts, to take maximum advantage of federal grant programs for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share, or for which there are insufficient amounts available under the federal law authorizing the programs to meet pressing needs of the region, the Federal Cochairman may use amounts made available to carry out this section—

(1) for any part of the basic federal contribution to projects or activities under the federal grant programs authorized by federal laws; and

(2) to increase the federal contribution to projects and activities under the programs above the fixed maximum part of the cost of the projects or activities otherwise authorized by the applicable law.

(c) CERTIFICATION REQUIRED.—For a program, project, or activity for which any part of the basic federal contribution to the project or activity under a federal grant program is proposed to be made under subsection (b), the contribution shall not be made until the responsible federal official administering the federal law authorizing the contribution certifies that the program, project, or activity meets the applicable requirements of the federal law and could be approved for federal contribution under that law if amounts were available under the law for the program, project, or activity.

(d) LIMITATIONS IN OTHER LAWS INAPPLICABLE.—Amounts provided pursuant to this subtitle are available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other law.

(e) ACCEPTANCE OF CERTAIN MATERIAL.—For a supplemental grant for a project or activity under a federal grant program, the Federal Cochairman shall accept any finding, report, certification, or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of the program.

(f) FEDERAL SHARE.—The federal portion of the cost of a project or activity shall not—

(1) be increased to more than the percentages the Commission establishes; nor

(2) be more than 80 percent of the cost.

(g) MAXIMUM COMMISSION CONTRIBUTION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Commission may contribute not more than 50 percent of a project or activity cost eligible for financial assistance under this section from amounts appropriated to carry out this subtitle.

(2) DISTRESSED COUNTIES.—The maximum Commission contribution for a project or activity to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title may be increased to 80 percent.

(3) AT-RISK COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to 70 percent.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1272; Pub. L. 109-270, §2(j), Aug. 12, 2006, 120 Stat. 748; Pub. L. 110-371, §2(g), Oct. 8, 2008, 122 Stat. 4040.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
14507(a)	40 App.:214(c).	Pub. L. 89-4, title II, §214, Mar. 9, 1965, 79 Stat. 17; Pub. L. 90-103, title I, §116, Oct. 11, 1967, 81 Stat. 263; Pub. L. 91-123, title I, §107, Nov. 25, 1969, 83 Stat. 215; Pub. L. 91-258, title I, §52(b)(5), May 21, 1970, 84 Stat. 235; Pub. L. 92-65, title II, §210, Aug. 5, 1971, 85 Stat. 171; Pub. L. 94-188, title I, §115, Dec. 31, 1975, 89 Stat. 1083; Pub. L. 96-506, §3(4), Dec. 8, 1980, 94 Stat. 2746; Pub. L. 98-524, §4(e)(2), Oct. 19, 1984, 98 Stat. 2489; Pub. L. 104-208, div. A, title I, §101(e), [title VII, §709(a)(5)], Sept. 30, 1996, 110 Stat. 3009-312; Pub. L. 105-332, §3(g), Oct. 31, 1998, 112 Stat. 3126; Pub. L. 105-393, title II, §217, Nov. 13, 1998, 112 Stat. 3622; Pub. L. 107-149, §13(c), (f), Mar. 12, 2002, 116 Stat. 71.
14507(b)	40 App.:214(a) (1st sentence).	
14507(c)	40 App.:214(a) (2d sentence).	
14507(d)	40 App.:214(a) (3d sentence).	
14507(e)	40 App.:214(a) (last sentence).	
14507(f)	40 App.:214(b)(1).	
14507(g)	40 App.:214(b)(2).	

In subsection (a)(1)(A), before subclause (i), the words “authorized by this Act or any other Act” are omitted as unnecessary.

In subsection (a)(1)(B)(ii), the words “under this Act or any other Act” and “a form of” are omitted as unnecessary.

In subsection (a)(2), the words “title II” are substituted for “section 8(c)” because of the general amendment and revision of the Federal Water Pollution Control Act by section 2 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500, 86 Stat. 816).

In subsection (g)(1), the words “after September 30, 1998” are omitted as obsolete.

REFERENCES IN TEXT

The Consolidated Farm and Rural Development Act, referred to in subsec. (a)(1)(A)(i), is title III of Pub. L. 87-128, Aug. 8, 1961, 75 Stat. 307, as amended, which is classified principally to chapter 50 (§1921 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1921 of Title 7 and Tables.

The Land and Water Conservation Fund Act of 1965, referred to in subsec. (a)(1)(A)(ii), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§4601-4 et seq.) of subchapter LXIX of chapter 1 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 4601-4 of Title 16 and Tables.

The Watershed Protection and Flood Prevention Act, referred to in subsec. (a)(1)(A)(iii), is act Aug. 4, 1954, ch. 656, 68 Stat. 666, as amended, which is classified principally to chapter 18 (§1001 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 16 and Tables.

The Carl D. Perkins Career and Technical Education Act of 2006, referred to in subsec. (a)(1)(A)(iv), is Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended generally by Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 683, which is classified generally to chapter 44 (§2301 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of Title 20 and Tables.

The Federal Water Pollution Control Act, referred to in subsec. (a)(1)(A)(v), (2), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816, also known as the Clean Water Act, which is classified generally to chapter 26 (§1251 et seq.) of Title 33, Navigation and Navigable Waters. Title II of the Act is classified generally to subchapter II (§1281 et seq.) of chapter 26 of Title 33. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

The Public Health Service Act, referred to in subsec. (a)(1)(A)(vi), is act July 1, 1944, ch. 373, 58 Stat. 682, as amended. Title VI of the Act is classified generally to subchapter IV (§291 et seq.) of chapter 6A of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 201 of Title 42 and Tables.

The Housing and Community Development Act of 1974, referred to in subsec. (a)(1)(A)(viii), is Pub. L. 93-383, Aug. 22, 1974, 88 Stat. 633, as amended. Title I of the Act is classified principally to chapter 69 (§5301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 42 and Tables.

The Communications Act of 1934, referred to in subsec. (a)(1)(A)(ix), is act June 19, 1934, ch. 652, 48 Stat. 1064, as amended. Part IV of title III of the Act is classified generally to part IV (§390 et seq.) of subchapter III of chapter 5 of Title 47, Telegraphs, Telephones, and Radiotelegraphs. For complete classification of this Act to the Code, see section 609 of Title 47 and Tables.

AMENDMENTS

2008—Subsec. (g)(1). Pub. L. 110-371, §2(g)(1), substituted “paragraphs (2) and (3)” for “paragraph (2)”.

Subsec. (g)(3). Pub. L. 110-371, §2(g)(2), added par. (3).
2006—Subsec. (a)(1)(A)(iv). Pub. L. 109-270 substituted “Carl D. Perkins Career and Technical Education Act of 2006” for “Carl D. Perkins Vocational and Technical Education Act of 1998”.

§ 14508. Economic and energy development initiative

(a) PROJECTS TO BE ASSISTED.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to persons or entities in the Appalachian region for projects and activities—

(1) to promote energy efficiency in the Appalachian region to enhance the economic competitiveness of the Appalachian region;

(2) to increase the use of renewable energy resources, particularly biomass, in the Appalachian region to produce alternative transportation fuels, electricity, and heat; and

(3) to support the development of regional, conventional energy resources to produce electricity and heat through advanced technologies that achieve a substantial reduction in emissions, including greenhouse gases, over the current baseline.

(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

(1) 50 percent may be provided from amounts appropriated to carry out this section;

(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.

(c) SOURCES OF ASSISTANCE.—Subject to subsection (b), grants provided under this section may be provided from amounts made available to carry out this section in combination with amounts made available under other Federal programs or from any other source.

(d) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Commission decides is appropriate.

(Added Pub. L. 110-371, §3(a), Oct. 8, 2008, 122 Stat. 4040.)

SUBCHAPTER II—ADMINISTRATIVE

§ 14521. Required level of expenditure

A State or political subdivision of a State is not eligible to receive benefits under this subtitle unless the aggregate expenditure of state amounts, except expenditures for participation in the Dwight D. Eisenhower System of Interstate and Defense Highways and local and federal amounts, for the benefit of the area within the State located in the Appalachian region is maintained at a level which does not fall below the average level of those expenditures for the