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 (§ 460*l*–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 460*l*–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

State's last two full fiscal years prior to March 9, 1965. In computing the level, a State's past expenditure for participation in the Dwight D. Eisenhower System of Interstate and Defense Highways and expenditures of local and federal amounts shall not be included. The Commission shall recommend to the President a lesser requirement when it finds that a substantial population decrease in that part of a State which lies within the region would not justify a state expenditure equal to the average level of the last two years or when it finds that a State's average level of expenditure in an individual program has been disproportionate to the present need for that part of the State.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1274.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
14521	40 App.:221.	Pub. L. 89–4, title II, § 221, Mar. 9, 1965, 79 Stat. 18; Pub. L. 90–103, title I, § 117, Oct. 11, 1967, 81 Stat. 263; Pub. L. 101–427, Oct. 15, 1990, 104 Stat. 927.

The words ''or such Federal officer or officers as the President may designate'' are omitted because of 3:301.

§ 14522. Consent of States

This subtitle does not require a State to engage in or accept a program under this subtitle without its consent.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1274.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
14522	40 App.:222.	Pub. L. 89–4, title II, § 222, Mar. 9, 1965, 79 Stat. 18.

§ 14523. Program implementation

(a) REQUIREMENTS.—A program or project authorized under this chapter shall not be implemented until—

(1) the responsible federal official has decided that applications and plans relating to the program or project are not incompatible with the provisions and objectives of federal laws that the official administers that are not inconsistent with this subtitle; and

(2) the Appalachian Regional Commission has approved the program or project and has determined that it—

(A) meets the applicable criteria under section 14524 of this title and the requirements of the development planning process under section 14525 of this title; and

(B) will contribute to the development of the Appalachian region.

(b) DECISION IS CONTROLLING.—A decision under subsection (a)(2) is controlling and shall be accepted by the federal agencies.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1274.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
14523	40 App.:223.	Pub. L. 89–4, title II, § 223, Mar. 9, 1965, 79 Stat. 18; Pub. L. 90–103, title I, § 118, Oct. 11, 1967, 81 Stat. 264; Pub. L. 94–188, title I, § 116, Dec. 31, 1975, 89 Stat. 1083.

§ 14524. Program development criteria

(a) FACTORS TO BE CONSIDERED.—In considering programs and projects to be given assistance under this subtitle, and in establishing a priority ranking of the requests for assistance presented to the Appalachian Regional Commission, the Commission shall follow procedures that will ensure consideration of—

(1) the relationship of the project or class of projects to overall regional development, including its location in a severely and persistently distressed county or area;

(2) the population and area to be served by the project or class of projects, including the per capita market income and the unemployment rates in the area;

(3) the relative financial resources available to the State or political subdivisions or instrumentalities of the State that seek to undertake the project;

(4) the importance of the project or class of projects in relation to other projects or classes of projects that may be in competition for the same amounts;

(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic and social development of the area served by the project; and

(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures may be evaluated.

(b) LIMITATION ON USE.—Financial assistance made available under this subtitle shall not be used to assist establishments relocating from one area to another.

(c) DETERMINATION REQUIRED BEFORE AMOUNTS MAY BE PROVIDED.—Amounts may be provided for programs and projects in a State under this subtitle only if the Commission determines that the level of federal and state financial assistance under other laws for the same type of programs or projects in that part of the State within the Appalachian region will not be diminished in order to substitute amounts authorized by this subtitle.

(d) MINIMUM AMOUNT OF ASSISTANCE TO DISTRESSED COUNTIES AND AREAS.—For each fiscal year, not less than 50 percent of the amount of grant expenditures the Commission approves shall support activities or projects that benefit severely and persistently distressed counties and areas.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1275.)