par. (A). Text read as follows: ''Except as provided in subparagraph (B), 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 financial assistance under this section may be provided from amounts appropriated to carry out this subtitle.''

§ 14322. Approval of development plans, strategy statements, and projects

(a) ANNUAL REVIEW AND APPROVAL REQUIRED.—The Appalachian Regional Commission annually shall review and approve, in accordance with section 14302 of this title, state and regional development plans and strategy statements, and any multistate subregional plans which may be developed.

(b) APPLICATION PROCESS.—An application for a grant or for other assistance for a specific 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(i), 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 System 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 approval 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.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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 multicounty 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—