severely and persistently distressed counties and areas.

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

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
14524(a)	40 App.:224(a).	Pub. L. 89–4, title II, § 224(a), Mar. 9, 1965, 79 Stat. 18; Pub. L. 90–103, title I, § 119(a), Oct. 11, 1967, 81 Stat. 264; Pub. L. 105–393, title II, § 218(a), (b), Nov. 13, 1998, 112 Stat. 3622; Pub. L. 107–149, §§ 8(a), 13(g), Mar. 12, 2002, 116 Stat. 70, 72.
14524(b)	40 App.:224(b).	Pub. L. 89–4, title II, § 224(b), Mar. 9, 1965, 79 Stat. 19; Pub. L. 90–103, title I, § 119(b), Oct. 11, 1967, 81 Stat. 264; Pub. L. 105–393, title II, § 218(c), Nov. 13, 1998, 112 Stat. 3623.
14524(c)	40 App.:224(c).	Pub. L. 89–4, title II, § 224(c), as added Pub. L. 94–188, title I, § 117, Dec. 31, 1975, 89 Stat. 1084.
14524(d)	40 App.:224(d).	Pub. L. 89–4, title II, § 224(d), as added Pub. L. 107–149, § 8(b), Mar. 12, 2002, 116 Stat. 70.

§ 14525. State development planning process

(a) STATE DEVELOPMENT PLAN.—Pursuant to policies the Appalachian Regional Commission establishes, each state member shall submit a development plan for the area of the State within the Appalachian region. The plan shall—

(1) be submitted according to a schedule the Commission prescribes;

(2) reflect the goals, objectives, and priorities identified in the regional development plan and in any subregional development plan that may be approved for the subregion of which the State is a part;

(3) describe the state organization and continuous process for Appalachian development planning, including—

(A) the procedures established by the State for the participation of local development districts in the process;

(B) how the process is related to overall statewide planning and budgeting processes; and

(C) the method of coordinating planning and projects in the region under this subtitle, the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.), and other federal, state, and local programs;

(4) set forth the goals, objectives, and priorities of the State for the region, as established by the Governor, and identify the needs on which the goals, objectives, and priorities are based; and

(5) describe the development strategies for achieving the goals, objectives, and priorities, including funding sources, and recommendations for specific projects to receive assistance under this subtitle.

(b) AREAWIDE ACTION PROGRAMS.—The Commission shall encourage the preparation and execution of areawide action programs that specify interrelated projects and schedules of actions, the necessary agency funding, and other commitments to implement the programs. The programs shall make appropriate use of existing plans affecting the area.

(c) LOCAL DEVELOPMENT DISTRICTS.—Local development districts certified by the State as described in section 14102(a)(2) of this title provide the linkage between state and substate planning and development. The districts shall assist the States in the coordination of areawide programs and projects and may prepare and adopt areawide plans or action programs. In carrying out the development planning process, including the selection of programs and projects for assistance, States shall consult with local development districts, local units of government, and citizen groups and shall consider the goals, objectives, priorities, and recommendations of those bodies.

(d) FEDERAL RESPONSIBILITIES.—To the maximum extent practicable, federal departments, agencies, and instrumentalities undertaking or providing financial assistance for programs or projects in the region shall—

(1) take into account the policies, goals, and objectives the Commission and its member States establish pursuant to this subtitle;

(2) recognize Appalachian state development strategies approved by the Commission as satisfying requirements for overall economic development planning under the programs or projects; and

(3) accept the boundaries and organization of any local development district certified under this subtitle that the Governor may designate as the areawide agency required under any of those programs undertaken or assisted by those federal departments, agencies, and instrumentalities.

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

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
14525(a)	40 App.:225(a).	Pub. L. 89–4, title II, § 225, as added Pub. L. 94–188, title I, § 118, Dec. 31, 1975, 89 Stat. 1084; Pub. L. 107–149, § 13(h), Mar. 12, 2002, 116 Stat. 72.
14525(b)	40 App.:225(b)(2).	
14525(c)	40 App.:225(b)(1).	
14525(d)	40 App.:225(c).	

REFERENCES IN TEXT

The Public Works and Economic Development Act of 1965, referred to in subsec. (a)(3)(C), is Pub. L. 89–136, Aug. 26, 1965, 79 Stat. 552, as amended, which is classified principally to chapter 38 (§ 3121 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 3121 of Title 42 and Tables.

§ 14526. Distressed, at-risk, and economically strong counties

(a) DESIGNATIONS.—

(1) IN GENERAL.—The Appalachian Regional Commission, in accordance with criteria the Commission may establish, each year shall—

(A) designate as ''distressed counties'' those counties in the Appalachian region that are the most severely and persistently distressed;

(B) designate as ''at-risk counties'' those counties in the Appalachian region that are most at risk of becoming economically distressed; and

(C) designate two categories of economically strong counties, consisting of—

(i) ''competitive counties'', which shall be those counties in the region that are approaching economic parity with the rest of the United States; and

(ii) ''attainment counties'', which shall be those counties in the region that have attained or exceeded economic parity with the rest of the United States.

(2) ANNUAL REVIEW OF DESIGNATIONS.—The Commission shall—

(A) conduct an annual review of each designation of a county under paragraph (1) to determine if the county still meets the criteria for the designation; and

(B) renew the designation for another one-year period only if the county still meets the criteria.

(b) DISTRESSED COUNTIES.—In program and project development and implementation and in the allocation of appropriations made available to carry out this subtitle, the Commission shall give special consideration to the needs of counties for which a distressed county designation is in effect under this section.

(c) ECONOMICALLY STRONG COUNTIES.—

(1) COMPETITIVE COUNTIES.—Except as provided in paragraphs (3) and (4), assistance under this subtitle for a project that is carried out in a county for which a competitive county designation is in effect under this section shall not be more than 30 percent of the project cost.

(2) ATTAINMENT COUNTIES.—Except as provided in paragraphs (3) and (4), amounts may not be provided under this subtitle for a project that is carried out in a county for which an attainment county designation is in effect under this section.

(3) EXCEPTIONS.—Paragraphs (1) and (2) do not apply to—

(A) a project on the Appalachian development highway system authorized by section 14501 of this title;

(B) a local development district administrative project assisted under section 14321(a)(1)(A) of this title; or

(C) a multicounty project that is carried out in at least two counties designated under this section if—

(i) at least one of the participating counties is designated as a distressed county under this section; and

(ii) the project will be of substantial direct benefit to at least one distressed county.

(4) WAIVER.—

(A) IN GENERAL.—The Commission may waive the requirements of paragraphs (1) and (2) for a project when the recipient of assistance for the project shows the existence of any of the following:

(i) a significant pocket of distress in the part of the county in which the project is carried out.

(ii) a significant potential benefit from the project in at least one area of the region outside the designated county.

(B) REPORTS TO CONGRESS.—The Commission shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an annual report describing each waiver granted under subparagraph (A) during the period covered by the report.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1277; Pub. L. 110–371, § 4(a), Oct. 8, 2008, 122 Stat. 4041.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
14526	40 App.:226.	Pub. L. 89–4, title II, § 226, as added Pub. L. 105–393, title II, § 219, Nov. 13, 1998, 112 Stat. 3623.

In subsection (a)(1), before clause (A), the words ''Not later than 90 days after November 13, 1988'' are omitted as obsolete.

AMENDMENTS

2008—Pub. L. 110–371, § 4(a)(1), inserted '', at-risk,'' after ''Distressed'' in section catchline.

Subsec. (a)(1)(B), (C). Pub. L. 110–371, § 4(a)(2), added subpar. (B) and redesignated former subpar. (B) as (C).

CHAPTER 147—MISCELLANEOUS

Sec.
14701. Applicable labor standards.
14702. Nondiscrimination.
14703. Authorization of appropriations.
14704. Termination.

§ 14701. Applicable labor standards

All laborers and mechanics employed by contractors or subcontractors in the construction, alteration, or repair, including painting and decorating, of projects, buildings, and works which are financially assisted through federal amounts authorized under this subtitle shall be paid wages at rates not less than those prevailing on similar construction in the locality as the Secretary of Labor determines in accordance with sections 3141–3144, 3146, and 3147 of this title. With respect to those labor standards, the Secretary has the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (eff. May 24, 1950, 64 Stat. 1267) and section 3145 of this title.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1278.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
14701	40 App.:402.	Pub. L. 89–4, title IV, § 402, Mar. 9, 1965, 79 Stat. 21.

The reference to 40:276(c) should be to 40:276c, restated as section 3145 of the revised title.

REFERENCES IN TEXT

Reorganization Plan Numbered 14 of 1950, referred to in text, is Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 14702. Nondiscrimination

An individual in the United States shall not, because of sex, be excluded from participation in, be denied the benefits of, or be subjected to