

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;

(2) appoint and fix the compensation of an executive director and other personnel as necessary to enable the Commission to carry out its functions, except that the compensation shall not exceed the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of title 5;

(3) request the head of any federal department or agency to detail to temporary duty with the Commission personnel within the administrative jurisdiction of the head of the department or agency that the Commission may need for carrying out its functions, each detail to be without loss of seniority, pay, or other employee status;

(4) arrange for the services of personnel from any state or local government, subdivision or agency of a state or local government, or intergovernmental agency;

(5)(A) make arrangements, including contracts, with any participating state government for inclusion in a suitable retirement and employee benefit system of Commission personnel who may not be eligible for, or continue in, another governmental retirement or employee benefit system; or

(B) otherwise provide for coverage of its personnel;

(6) accept, use, and dispose of gifts or donations of services or any property;

(7) enter into and perform contracts, leases (including the lease of office space for any term), cooperative agreements, or other transactions, necessary in carrying out its functions, on terms as it may consider appropriate, with any—

(A) department, agency, or instrumentality of the Federal Government;

(B) State or political subdivision, agency, or instrumentality of a State; or

(C) person;

(8) maintain a temporary office in the District of Columbia and establish a permanent office at a central and appropriate location it may select and field offices at other places it may consider appropriate; and

(9) take other actions and incur other expenses as may be necessary or appropriate.

(b) AUTHORIZATIONS.—

(1) DETAIL EMPLOYEES.—The head of a federal department or agency may detail personnel under subsection (a)(3).

(2) ENTER INTO AND PERFORM TRANSACTIONS.—A department, agency, or instrumentality of the Government, to the extent not otherwise prohibited by law, may enter into and perform a contract, lease, cooperative agreement, or other transaction under subsection (a)(7).

(c) RETIREMENT AND OTHER EMPLOYEE BENEFIT PROGRAMS.—The Director of the Office of Personnel Management may contract with the Commission for continued coverage of Commission employees, if the employees are federal employees when they begin Commission employment, in the retirement program and other employee benefit programs of the Government.

(d) EXPENSES.—Administrative expenses of the Commission shall be paid equally by the Government and the States in the Appalachian region, except that the expenses of the Federal Cochairman, the alternate to the Federal Cochairman, and the staff of the Federal Cochairman shall be paid only by the Government. The Commission shall determine the amount to be paid by each State. The Federal Cochairman shall not participate or vote in that determination. Assistance authorized by this subtitle shall not be furnished to any State or to any political subdivision or any resident of any State, and a state member of the Commission shall not participate or vote in any decision by the Commission, while the State is delinquent in payment of its share of administrative expenses.

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

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
14306(a)	40 App.:106(1), (2) (1st sentence), (3) (less words in parentheses), (4), (5) (1st sentence), (6), (7) (less words in last parentheses), (8), (9).	Pub. L. 89-4, title I, §106(1), (2) (1st sentence), (3)-(9), Mar. 9, 1965, 79 Stat. 8; Pub. L. 90-103, title I, §104, Oct. 11, 1967, 81 Stat. 257; Pub. L. 92-65, title II, §203, Aug. 5, 1971, 85 Stat. 168; Pub. L. 94-188, title I, §107, Dec. 31, 1975, 89 Stat. 1080; Pub. L. 96-506, §3(2), Dec. 8, 1980, 94 Stat. 2746; Pub. L. 105-393, title II, §§205, 206, Nov. 13, 1998, 112 Stat. 3619; Pub. L. 107-149, §13(b), Mar. 12, 2002, 116 Stat. 71.
14306(b)	40 App.:106(3) (words in parentheses), (7) (words in last parentheses),	
14306(c)	40 App.:106(5) (last sentence).	
14306(d)	40 App.:105.	Pub. L. 89-4, title I, §105, Mar. 9, 1965, 79 Stat. 8; Pub. L. 90-103, title I, §103, Oct. 11, 1967, 81 Stat. 257; Pub. L. 91-123, title I, §102, Nov. 25, 1969, 83 Stat. 214; Pub. L. 92-65, title II, §202, Aug. 5, 1971, 85 Stat. 168; Pub. L. 94-188, title I, §106, Dec. 31, 1975, 89 Stat. 1080; Pub. L. 96-506, §3(1), Dec. 8, 1980, 94 Stat. 2746; Pub. L. 97-35, title XVIII, §1822(a)(1), Aug. 13, 1981, 95 Stat. 767; Pub. L. 105-393, title II, §204, Nov. 13, 1998, 112 Stat. 3619.

In subsection (a)(6), the words “any property” are substituted for “property, real, personal, or mixed, tangible or intangible” to eliminate unnecessary words.

In subsection (a)(7), before subclause (A), the words “notwithstanding any other provision of law” are omit-

ted as unnecessary. In subclause (C), the words “firm, association, or corporation” are omitted as being included in the definition of “person” in 1:1.

In subsection (c), the words “Director of the Office of Personnel Management” are substituted for “Civil Service Commission” in section 106(5) of the Appalachian Regional Development Act of 1965 (Public Law 89-4, 79 Stat. 8) because of section 102 of Reorganization Plan No. 2 of 1978 (eff. Jan. 1, 1979, 92 Stat. 3783).

In subsection (d), the word “amount” is substituted for “share” for clarity.

§ 14307. Meetings

(a) IN GENERAL.—The Appalachian Regional Commission shall conduct at least one meeting each year with the Federal Cochairman and at least a majority of the state members present.

(b) ADDITIONAL MEETINGS BY ELECTRONIC MEANS.—The Commission may conduct additional meetings by electronic means as the Commission considers advisable, including meetings to decide matters requiring an affirmative vote. (Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1260.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
14307	40 App.:101(a)(2).	Pub. L. 89-4, title I, §101(a)(2), as added Pub. L. 105-393, title II, §203(a)(2), (b)(1), Nov. 13, 1998, 112 Stat. 3619.

§ 14308. Information

(a) ACTIONS OF COMMISSION.—To obtain information needed to carry out its duties, the Appalachian Regional Commission shall—

(1) hold hearings, sit and act at times and places, take testimony, receive evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports on the proceedings as the Commission may deem advisable;

(2) arrange for the head of any federal, state, or local department or agency to furnish to the Commission information as may be available to or procurable by the department or agency; and

(3) keep accurate and complete records of its doings and transactions which shall be made available for—

- (A) public inspection; and
- (B) audit and examination by the Comptroller General or an authorized representative of the Comptroller General.

(b) AUTHORIZATIONS.—

(1) ADMINISTER OATHS.—A Cochairman of the Commission, or any member of the Commission designated by the Commission, may administer oaths when the Commission decides that testimony shall be taken or evidence received under oath.

(2) FURNISH INFORMATION.—The head of any federal, state, or local department or agency, to the extent not otherwise prohibited by law, may carry out subsection (a)(2).

(c) PUBLIC PARTICIPATION.—Public participation in the development, revision, and implementation of all plans and programs under this subtitle by the Commission, any State, or any local development district shall be provided for,

encouraged, and assisted. The Commission shall develop and publish regulations specifying minimum guidelines for public participation, including public hearings.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1260; Pub. L. 109-284, §6(31), Sept. 27, 2006, 120 Stat. 1213.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
14308(a)	40 App.:107(a)(1) (words before 5th comma), (2) (less words in parentheses), (3).	Pub. L. 89-4, title I, §107, Mar. 9, 1965, 79 Stat. 9; Pub. L. 94-188, title I, §109, Dec. 31, 1975, 89 Stat. 1081.
14308(b)(1) ..	40 App.:107(a)(1) (words after 5th comma).	
14308(b)(2) ..	40 App.:107(a)(2) (words in parentheses).	
14308(c)	40 App.:107(b).	

In subsection (b)(1), the words “for the purpose” are omitted as unnecessary.

AMENDMENTS

2006—Subsec. (b)(2). Pub. L. 109-284 substituted “subsection (a)(2)” for “section (a)(2)”.

§ 14309. Personal financial interests

(a) CONFLICT OF INTEREST.—

(1) NO ROLE ALLOWED.—Except as permitted by paragraph (2), an individual who is a state member or alternate, or an officer or employee of the Appalachian Regional Commission, shall not participate personally and substantially as a member, alternate, officer, or employee in any way in any particular matter in which, to the individual’s knowledge, any of the following has a financial interest:

- (A) the individual.
- (B) the individual’s spouse, minor child, or partner.
- (C) an organization (except a State or political subdivision of a State) in which the individual is serving as an officer, director, trustee, partner, or employee.
- (D) any person or organization with whom the individual—
 - (i) is serving as an officer, director, trustee, partner, or employee; or
 - (ii) is negotiating or has any arrangement concerning prospective employment.

(2) EXCEPTION.—Paragraph (1) does not apply if the individual first advises the Commission of the nature and circumstances of the particular matter and makes full disclosure of the financial interest and receives in advance a written decision of the Commission that the interest is not so substantial as to be considered likely to affect the integrity of the services which the Commission may expect from the individual.

(3) CRIMINAL PENALTY.—An individual violating this subsection shall be fined under title 18, imprisoned for not more than two years, or both.

(b) ADDITIONAL SOURCES OF SALARY DISALLOWED.—

(1) STATE MEMBER OR ALTERNATE.—A state member or alternate may not receive any salary, or any contribution to, or supple-