

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1256; Pub. L. 112–166, § 2(n), Aug. 10, 2012, 126 Stat. 1287.)

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1257.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
14301(a), (b)(1).	40 App.:101(a)(1) (1st, 3d sentences).	Pub. L. 89–4, title I, §101(a)(1), (c), (d), Mar. 9, 1965, 79 Stat. 6; Pub. L. 94–188, title I, §§103(1), (2), (4), (5), 104, Dec. 31, 1975, 89 Stat. 1079, 1080; Pub. L. 105–393, title II, §203(a)(1), (b)(2), Nov. 13, 1998, 112 Stat. 3619.
14301(b)(2) ..	40 App.:101(c) (1st–4th sentences).	
14301(b)(3) ..	40 App.:101(a)(1) (2d, last sentences).	
14301(c) .....	40 App.:101(d) (1st sentence, 2d sentence related to compensation, last sentence).	
14301(d)(1) ..	40 App.:101(c) (last sentence).	
14301(d)(2) ..	40 App.:101(d) (2d sentence related to delegation).	
14301(e) .....	40 App.:106(2) (2d sentence).	Pub. L. 89–4, title I, §106(2) (2d, last sentences), Mar. 9, 1965, 79 Stat. 8; Pub. L. 94–188, title I, §108, Dec. 31, 1975, 89 Stat. 1081.
14301(f) .....	40 App.:106(2) (last sentence).	

In subsection (e), the words “The Commission has an executive director” are added for clarity.

AMENDMENTS

2012—Subsec. (b)(2). Pub. L. 112–166 struck out “by and with the advice and consent of the Senate” after “The President,”.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112–166, set out as a note under section 113 of Title 6, Domestic Security.

§ 14302. Decisions

(a) REQUIREMENTS FOR APPROVAL.—Except as provided in section 14306(d) of this title, decisions by the Appalachian Regional Commission require the affirmative vote of the Federal Co-chairman and of a majority of the state members, exclusive of members representing States delinquent under section 14306(d).

(b) CONSULTATION.—In matters coming before the Commission, the Federal Cochairman, to the extent practicable, shall consult with the federal departments and agencies having an interest in the subject matter.

(c) DECISIONS REQUIRING QUORUM OF STATE MEMBERS.—A decision involving Commission policy, approval of state, regional or subregional development plans or strategy statements, modification or revision of the Appalachian Regional Commission Code, allocation of amounts among the States, or designation of a distressed county or an economically strong county shall not be made without a quorum of state members.

(d) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals is a responsibility of the Commission and shall be carried out in accordance with section 14322 of this title.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
14302 .....	40 App.:101(b).	Pub. L. 89–4, title I, §101(b), Mar. 9, 1965, 79 Stat. 6; Pub. L. 94–188, title I, §103(3), Dec. 31, 1975, 89 Stat. 1080; Pub. L. 105–393, title II, §203(c), Nov. 13, 1998, 112 Stat. 3619; Pub. L. 107–149, §13(a), Mar. 12, 2002, 116 Stat. 71.

§ 14303. Functions

(a) IN GENERAL.—In carrying out the purposes of this subtitle, the Appalachian Regional Commission shall—

(1) develop, on a continuing basis, comprehensive and coordinated plans and programs and establish priorities under those plans and programs, giving due consideration to other federal, state, and local planning in the Appalachian region;

(2) conduct and sponsor investigations, research, and studies, including an inventory and analysis of the resources of the region, and, in cooperation with federal, state, and local agencies, sponsor demonstration projects designed to foster regional productivity and growth;

(3) review and study, in cooperation with the agency involved, federal, state, and local public and private programs and, where appropriate, recommend modifications or additions which will increase their effectiveness in the region;

(4) formulate and recommend, where appropriate, interstate compacts and other forms of interstate cooperation and work with state and local agencies in developing appropriate model legislation;

(5) encourage the formation of, and support, local development districts;

(6) encourage private investment in industrial, commercial, and recreational projects;

(7) serve as a focal point and coordinating unit for Appalachian programs;

(8) provide a forum for consideration of problems of the region and proposed solutions and establish and utilize, as appropriate, citizens and special advisory councils and public conferences;

(9) encourage the use of eco-industrial development technologies and approaches; and

(10) seek to coordinate the economic development activities of, and the use of economic development resources by, federal agencies in the region.

(b) IDENTIFY NEEDS AND GOALS OF SUBREGIONAL AREAS.—In carrying out its functions under this section, the Commission shall identify the characteristics of, and may distinguish between the needs and goals of, appropriate subregional areas, including central, northern, and southern Appalachia.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1258.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
14303 .....	40 App.:102.	Pub. L. 89-4, title I, §102, Mar. 9, 1965, 79 Stat. 7; Pub. L. 90-103, title I, §102, Oct. 11, 1967, 81 Stat. 257; Pub. L. 94-188, title I, §105, Dec. 31, 1975, 89 Stat. 1080; Pub. L. 107-149, §3, Mar. 12, 2002, 116 Stat. 66.

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.

TERMINATION OF ADVISORY COUNCILS

Advisory councils 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 council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 14304. Recommendations

The Appalachian Regional Commission may make recommendations to the President and to the Governors and appropriate local officials with respect to—

- (1) the expenditure of amounts by federal, state, and local departments and agencies in the Appalachian region in the fields of natural resources, agriculture, education, training, and health and welfare and in other fields related to the purposes of this subtitle; and
- (2) additional federal, state, and local legislation or administrative actions as the Commission considers necessary to further the purposes of this subtitle.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1258.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
14304 .....	40 App.:103.	Pub. L. 89-4, title I, §103, Mar. 9, 1965, 79 Stat. 7.

Before clause (1), the words “from time to time” are omitted as unnecessary.

§ 14305. Liaison between Federal Government and Commission

(a) PRESIDENT.—The President shall provide effective and continuing liaison between the Federal Government and the Appalachian Regional Commission and a coordinated review within the Government of the plans and recommendations submitted by the Commission pursuant to sections 14303 and 14304 of this title.

(b) INTERAGENCY COORDINATING COUNCIL ON APPALACHIA.—In carrying out subsection (a), the President shall establish the Interagency Coordinating Council on Appalachia, to be composed of the Federal Cochairman and representatives of federal agencies that carry out economic development programs in the Appalachian region. The Federal Cochairman is the Chairperson of the Council.

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

§ 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.—