

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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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-

mentation of, salary, for services on the Commission from a source other than the State of the member or alternate.

(2) INDIVIDUALS DETAILED TO COMMISSION.—An individual detailed to serve the Commission under section 14306(a)(4) of this title may not receive any salary, or any contribution to, or supplementation of, salary, for services on the Commission from a source other than the state, local, or intergovernmental department or agency from which the individual was detailed or from the Commission.

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

(c) FEDERAL COCHAIRMAN, ALTERNATE TO FEDERAL COCHAIRMAN, AND FEDERAL OFFICERS AND EMPLOYEES.—The Federal Cochairman, the alternate to the Federal Cochairman, and any federal officer or employee detailed to duty with the Commission under section 14306(a)(3) of this title are not subject to this section but remain subject to sections 202-209 of title 18.

(d) RESCISSION.—The Commission may declare void and rescind any contract, loan, or grant of or by the Commission in relation to which it finds that there has been a violation of subsection (a)(1) or (b) of this section or any of the provisions of sections 202-209 of title 18.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1261.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
14309(a)(1) ..	40 App.:108(a) (1st sentence).	Pub. L. 89-4, title I, §108, Mar. 9, 1965, 79 Stat. 9.
14309(a)(2) ..	40 App.:108(b).	
14309(a)(3) ..	40 App.:108(a) (last sentence).	
14309(b)	40 App.:108(c).	
14309(c)	40 App.:108(d).	
14309(d)	40 App.:108(e).	

In subsection (a), the words “proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other” are omitted as unnecessary.

In subsection (a)(1), before clause (A), the words “in any way” are substituted for “through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise” to eliminate unnecessary words.

In subsection (a)(3), the words “fined under title 18” are substituted for “fined not more than \$10,000” for consistency with chapter 227 of title 18.

In subsection (b)(3), the words “fined under title 18” are substituted for “fined not more than \$5,000” for consistency with chapter 227 of title 18.

In subsection (c), the words “Notwithstanding any other subsection of this section” are omitted as unnecessary. The words “this section” are substituted for “any such subsection” to correct an apparent error in the source provision.

In subsection (d), the words “in its discretion” are omitted as unnecessary.

§ 14310. Annual report

Not later than six months after the close of each fiscal year, the Appalachian Regional Commission shall prepare and submit to the Governor of each State in the Appalachian region and to the President, for transmittal to Congress, a report on the activities carried out under this subtitle during the fiscal year.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1262.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
14310	40 App.:304.	Pub. L. 89-4, title III, § 304, Mar. 9, 1965, 79 Stat. 20.

SUBCHAPTER II—FINANCIAL ASSISTANCE

§ 14321. Grants and other assistance

(a) AUTHORIZATION TO MAKE GRANTS.—

(1) IN GENERAL.—The Appalachian Regional Commission may make grants—

(A) for administrative expenses, including the development of areawide plans or action programs and technical assistance activities, of local development districts, but—

(i) the amount of the grant shall not exceed—

(I) 50 percent of administrative expenses;

(II) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which a distressed county designation is in effect under section 14526, 75 percent of administrative expenses; or

(III) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which an at-risk county designation is in effect under section 14526, 70 percent of administrative expenses;

(ii) grants for administrative expenses shall not be made for a state agency certified as a local development district for a period of more than three years beginning on the date the initial grant is made for the development district; and

(iii) the local development district contributions for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services;

(B) for assistance to States for a period of not more than two years to strengthen the state development planning process for the Appalachian region and the coordination of state planning under this subtitle, the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.), and other federal and state programs; and

(C) for investigation, research, studies, evaluations, and assessments of needs, potentials, or attainments of the people of the region, technical assistance, training programs, demonstrations, and the construction of necessary facilities incident to those activities, which will further the purposes of this subtitle.

(2) LIMITATION ON AVAILABLE AMOUNTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), of the cost of any activity

eligible for financial assistance under this section, not more than—

(i) 50 percent may be provided from amounts appropriated to carry out this subtitle;

(ii) 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 subtitle; or

(iii) 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 subtitle.

(B) DISCRETIONARY GRANTS.—

(i) GRANTS TO WHICH PERCENTAGE LIMITATION DOESN'T APPLY.—Discretionary grants made by the Commission to implement significant regional initiatives, to take advantage of special development opportunities, or to respond to emergency economic distress in the region may be made without regard to the percentage limitations specified in subparagraph (A).

(ii) LIMITATION ON AGGREGATE AMOUNT.—For each fiscal year, the aggregate amount of discretionary grants referred to in clause (i) shall not be more than 10 percent of the amount appropriated under section 14703 of this title for the fiscal year.

(3) SOURCES OF GRANTS.—Grant amounts may be provided entirely from appropriations to carry out this section, in combination with amounts available under other federal or federal grant programs, or from any other source.

(4) FEDERAL SHARE.—Notwithstanding any law limiting the federal share in any other federal or federal grant program, amounts appropriated to carry out this section may be used to increase that federal share, as the Commission decides is appropriate.

(b) ASSISTANCE FOR DEMONSTRATIONS OF ENTERPRISE DEVELOPMENT.—

(1) IN GENERAL.—The Commission may provide assistance under this section for demonstrations of enterprise development, including site acquisition or development where necessary for the feasibility of the project, in connection with the development of the region's energy resources and the development and stimulation of indigenous arts and crafts of the region.

(2) COOPERATION BY FEDERAL AGENCIES.—In carrying out the purposes of this subtitle and in implementing this section, the Secretary of Energy, the Environmental Protection Agency, and other federal agencies shall cooperate with the Commission and shall provide assistance that the Federal Cochairman may request.

(3) AVAILABLE AMOUNTS.—In any fiscal year, not more than—

(A) \$3,000,000 shall be obligated for energy resource related demonstrations; and

(B) \$2,500,000 shall be obligated for indigenous arts and crafts demonstrations.

(c) RECORDS.—