

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.

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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.—

(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. 94-189, 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. 94-189, 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 omitted

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,