

planning so that housing, public services, transportation and other community facilities will be provided in a way congenial to the traditions and beauty of the region and compatible with conservation values and an enhanced quality of life for the people of the region, and consistent with that goal, the Appalachian region should be able to take advantage of eco-industrial development, which promotes both employment and economic growth and the preservation of natural resources. Congress recognizes also that fundamental changes are occurring in national energy requirements and production, which not only risk short-term dislocations but will undoubtedly result in major long-term effects in the region. It is essential that the opportunities for expanded energy production be used so as to maximize the social and economic benefits and minimize the social and environmental costs to the region and its people.

(2) **PURPOSE.**—It is also the purpose of this subtitle to provide a framework for coordinating federal, state and local efforts toward—

(A) anticipating the effects of alternative energy policies and practices;

(B) planning for accompanying growth and change so as to maximize the social and economic benefits and minimize the social and environmental costs; and

(C) implementing programs and projects carried out in the region by federal, state, and local governmental agencies so as to better meet the special problems generated in the region by the Nation's energy needs and policies, including problems of transportation, housing, community facilities, and human services.

(c) **1998 FINDINGS AND PURPOSE.**—

(1) **FINDINGS.**—Congress further finds and declares that while substantial progress has been made in fulfilling many of the objectives of this subtitle, rapidly changing national and global economies over the decade ending November 13, 1998, have created new problems and challenges for rural areas throughout the United States and especially for the Appalachian region.

(2) **PURPOSE.**—In addition to the purposes stated in subsections (a) and (b), it is the purpose of this subtitle—

(A) to assist the Appalachian region in—

(i) providing the infrastructure necessary for economic and human resource development;

(ii) developing the region's industry;

(iii) building entrepreneurial communities;

(iv) generating a diversified regional economy; and

(v) making the region's industrial and commercial resources more competitive in national and world markets;

(B) to provide a framework for coordinating federal, state, and local initiatives to respond to the economic competitiveness challenges in the Appalachian region through—

(i) improving the skills of the region's workforce;

(ii) adapting and applying new technologies for the region's businesses, including eco-industrial development technologies; and

(iii) improving the access of the region's businesses to the technical and financial resources necessary to development of the businesses; and

(C) to address the needs of severely and persistently distressed areas of the Appalachian region and focus special attention on the areas of greatest need so as to provide a fairer opportunity for the people of the region to share the quality of life generally enjoyed by citizens across the United States.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1252.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
14101(a) .....	40 App.:2(a).	Pub. L. 89-4, §2(a), Mar. 9, 1965, 79 Stat. 5; Pub. L. 94-188, title I, §102, Dec. 31, 1975, 89 Stat. 1079.
14101(b) .....	40 App.:2(b).	Pub. L. 89-4, §2(b), as added Pub. L. 94-188, title I, §102, Dec. 31, 1975, 89 Stat. 1079; Pub. L. 107-149, §2(b)(1), Mar. 12, 2002, 116 Stat. 66.
14101(c) .....	40 App.:2(c).	Pub. L. 89-4, §2(c), as added Pub. L. 105-393, title II, §202, Nov. 13, 1998, 112 Stat. 3618; Pub. L. 107-149, §2(b)(2), Mar. 12, 2002, 116 Stat. 66.

In subsection (b)(1), the words “December 31, 1975” are substituted for “now” for clarity.

In subsection (c)(1), the words “decade ending November 13, 1998” are substituted for “past decade” for clarity.

#### § 14102. Definitions

(a) **DEFINITIONS.**—In this subtitle—

(1) **APPALACHIAN REGION.**—The term “Appalachian region” means that area of the eastern United States consisting of the following counties (including any political subdivision located within the area):

(A) In Alabama, the counties of Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Colbert, Coosa, Cullman, De Kalb, Elmore, Etowah, Fayette, Franklin, Hale, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Macon, Madison, Marion, Marshall, Morgan, Pickens, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker, and Winston.

(B) In Georgia, the counties of Banks, Barrow, Bartow, Carroll, Catoosa, Chattooga, Cherokee, Dade, Dawson, Douglas, Elbert, Fannin, Floyd, Forsyth, Franklin, Gilmer, Gordon, Gwinnett, Habersham, Hall, Haralson, Hart, Heard, Jackson, Lumpkin, Madison, Murray, Paulding, Pickens, Polk, Rabun, Stephens, Towns, Union, Walker, White, and Whitfield.

(C) In Kentucky, the counties of Adair, Bath, Bell, Boyd, Breathitt, Carter, Casey, Clark, Clay, Clinton, Cumberland, Edmonson, Elliott, Estill, Fleming, Floyd, Garrard, Green, Greenup, Harlan, Hart, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lin-

coln, McCreary, Madison, Magoffin, Martin, Menifee, Metcalfe, Monroe, Montgomery, Morgan, Nicholas, Owsley, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Russell, Wayne, Whitley, and Wolfe.

(D) In Maryland, the counties of Allegany, Garrett, and Washington.

(E) In Mississippi, the counties of Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Kemper, Lee, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha.

(F) In New York, the counties of Allegany, Broome, Cattaraugus, Chautauqua, Chemung, Chenango, Cortland, Delaware, Otsego, Schoharie, Schuyler, Steuben, Tioga, and Tompkins.

(G) In North Carolina, the counties of Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Davie, Forsyth, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Stokes, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey.

(H) In Ohio, the counties of Adams, Ash-tabula, Athens, Belmont, Brown, Carroll, Clermont, Columbiana, Coshocton, Gallia, Guernsey, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson, Lawrence, Mahoning, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Trumbull, Tuscarawas, Vinton, and Wash-ington.

(I) In Pennsylvania, the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Car-bon, Centre, Clarion, Clearfield, Clinton, Col-umbia, Crawford, Elk, Erie, Fayette, For-est, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lawrence, Luzerne, Lycoming, McKean, Mercer, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Washington, Wayne, Westmoreland, and Wyoming.

(J) In South Carolina, the counties of An-derson, Cherokee, Greenville, Oconee, Pick-ens, and Spartanburg.

(K) In Tennessee, the counties of Ander-son, Bledsoe, Blount, Bradley, Campbell, Cannon, Carter, Claiborne, Clay, Cocke, Cof-fee, Cumberland, De Kalb, Fentress, Frank-lin, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jef-ferson, Johnson, Knox, Lawrence, Lewis, Loudon, McMinn, Macon, Marion, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Sevier, Smith, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, and White.

(L) In Virginia, the counties of Alleghany, Bath, Bland, Botetourt, Buchanan, Carroll, Craig, Dickenson, Floyd, Giles, Grayson, Henry, Highland, Lee, Montgomery, Patrick, Pulaski, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe.

(M) All the counties of West Virginia.

(2) LOCAL DEVELOPMENT DISTRICT.—The term “local development district” means any of the following entities for which the Governor of the State in which the entity is located, or the appropriate state officer, certifies to the Appal-achian Regional Commission that the entity has a charter or authority that includes the economic development of counties or parts of counties or other political subdivisions within the region:

(A) a nonprofit incorporated body orga-nized or chartered under the law of the State in which it is located.

(B) a nonprofit agency or instrumentality of a state or local government.

(C) a nonprofit agency or instrumentality created through an interstate compact.

(D) a nonprofit association or combination of bodies, agencies, and instrumentalities described in this paragraph.

(b) CHANGE IN DEFINITION.—The Commission may not propose or consider a recommendation for any change in the definition of the Appal-achian region as set forth in this section without a prior resolution by the Committee on Environ-ment and Public Works of the Senate or the Committee on Transportation and Infrastruc-ture of the House of Representatives that directs a study of the change.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1254; Pub. L. 110–371, § 7, Oct. 8, 2008, 122 Stat. 4042.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
14102(a)(1) ..	40 App.:403 (less last 2 pars.).	Pub. L. 89–4, title IV, § 403, Mar. 9, 1965, 79 Stat. 21; Pub. L. 90–103, title I, § 123, Oct. 11, 1967, 81 Stat. 266; Pub. L. 91–123, title I, § 110, Nov. 25, 1969, 83 Stat. 215; Pub. L. 101–434, Oct. 17, 1990, 104 Stat. 985; Pub. L. 102–240, title I, § 1087, Dec. 18, 1991, 105 Stat. 2022; Pub. L. 103–437, § 14(e), Nov. 2, 1994, 108 Stat. 4591; Pub. L. 105–178, title I, § 1222(a), June 9, 1998, 112 Stat. 223; Pub. L. 107–149, §§ 11, 13(j), Mar. 12, 2002, 116 Stat. 70, 73.
14102(a)(2) ..	40 App.:301.	Pub. L. 89–4, title III, § 301, Mar. 9, 1965, 79 Stat. 19.
14102(b) .....	40 App.:403 (last 2 pars.).	

In subsection (a)(2), the words “the appropriate state official” are substituted for “the State officer designated by the appropriate State law to make such certification” to eliminate unnecessary words. The words “No entity shall be certified as a local development district for the purposes of this Act unless it is one of the following” are omitted as unnecessary.

In subsection (b), the text of 40 App.:403 (last par.) is omitted as obsolete.

AMENDMENTS

2008—Subsec. (a)(1)(C). Pub. L. 110–371, § 7(a), inserted “Metcalfe,” after “Menifee,” “Nicholas,” after “Mor-gan,” and “Robertson,” after “Pulaski.”

Subsec. (a)(1)(H). Pub. L. 110–371, § 7(b), inserted “Ash-tabula,” after “Adams,” “Mahoning,” after “Law-rence,” and “Trumbull,” after “Scioto.”

Subsec. (a)(1)(K). Pub. L. 110–371, § 7(c), inserted “Lawrence, Lewis,” after “Knox.”

Subsec. (a)(1)(L). Pub. L. 110–371, § 7(d), inserted “Henry,” after “Grayson,” and “Patrick,” after “Mont-gomery.”

**CHAPTER 143—APPALACHIAN REGIONAL COMMISSION**

**SUBCHAPTER I—ORGANIZATION AND ADMINISTRATION**

Sec.

14301. Establishment, membership, and employees.  
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**SUBCHAPTER I—ORGANIZATION AND ADMINISTRATION**

**§ 14301. Establishment, membership, and employees**

(a) ESTABLISHMENT.—There is an Appalachian Regional Commission.

(b) MEMBERSHIP.—

(1) FEDERAL AND STATE MEMBERS.—The Commission is composed of the Federal Cochairman, appointed by the President by and with the advice and consent of the Senate, and the Governor of each participating State in the Appalachian region.

(2) ALTERNATE MEMBERS.—Each state member may have a single alternate, appointed by the Governor from among the members of the Governor's cabinet or the Governor's personal staff. The President,<sup>1</sup> shall appoint an alternate for the Federal Cochairman. An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the member for whom the individual is an alternate. A state alternate shall not be counted toward the establishment of a quorum of the Commission when a quorum of the state members is required.

(3) COCHAIRMEN.—The Federal Cochairman is one of the two Cochairmen of the Commission. The state members shall elect a Cochairman of the Commission from among themselves for a term of not less than one year.

(c) COMPENSATION.—The Federal Cochairman shall be compensated by the Federal Government at level III of the Executive Schedule as set out in section 5314 of title 5. The Federal Cochairman's alternate shall be compensated by the Government at level V of the Executive Schedule as set out in section 5316 of title 5. Each state member and alternate shall be compensated by the State which they represent at the rate established by law of that State.

(d) DELEGATION.—

(1) POWERS AND RESPONSIBILITIES.—Commission powers and responsibilities specified in section 14302(c) and (d) of this title, and the vote of any Commission member, may not be

delegated to an individual who is not a Commission member or who is not entitled to vote in Commission meetings.

(2) ALTERNATE FEDERAL COCHAIRMAN.—The alternate to the Federal Cochairman shall perform the functions and duties the Federal Cochairman delegates when not actively serving as the alternate.

(e) EXECUTIVE DIRECTOR.—The Commission has an executive director. The executive director is responsible for carrying out the administrative functions of the Commission, for directing the Commission staff, and for other duties the Commission may assign.

(f) STATUS OF PERSONNEL.—Members, alternates, officers, and employees of the Commission are not federal employees for any purpose, except the Federal Cochairman, the alternate to the Federal Cochairman, the staff of the Federal Cochairman, and federal employees detailed to the Commission under section 14306(a)(3) of this title.

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

**HISTORICAL AND REVISION NOTES**

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

<sup>1</sup> So in original.