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TITLE 40—APPENDIX

The legislation in this Appendix is temporary and terminated on October 1, 1982, pursuant to the provisions of section 405 of this Appendix

APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended by Pub. L. 89–670, § 8(b), (c), Oct. 15, 1966, 80 Stat. 942, 943; Pub. L. 90–103, title I, §§ 101–114, 116–123, Oct. 11, 1967, 81 Stat. 257–266; Pub. L. 90–448, title II, § 201(f), Aug. 1, 1968, 82 Stat. 502; Pub. L. 91–123, title I, §§ 101–111, Nov. 25, 1969, 83 Stat. 214–216; Pub. L. 91–258, title I, § 52(b)(5), May 21, 1970, 84 Stat. 235; Pub. L. 92–65, title II, §§ 202–214, Aug. 5, 1971, 85 Stat. 168–173; Pub. L. 94–188, title I, §§ 102–122, 124, Dec. 31, 1975, 89 Stat. 1079–1086; Pub. L. 95–193, § 1, Nov. 18, 1977, 91 Stat. 1412; Pub. L. 95–599, title I, § 138(a), (b), Nov. 6, 1978, 92 Stat. 2710; Pub. L. 96–506, § 3, Dec. 8, 1980, 94 Stat. 2746; Pub. L. 96–545, § 2, Dec. 18, 1980, 94 Stat. 3215; Pub. L. 97–35, title XVIII, § 1822(a), Aug. 13, 1981, 95 Stat. 767; Pub. L. 98–524, § 4(e), Oct. 19, 1984, 98 Stat. 2489; Pub. L. 101–427, Oct. 15, 1990, 104 Stat. 927; 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.

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§ 1. Short title

This Act may be cited as the ''Appalachian Regional Development Act of 1965''.

(Pub. L. 89–4, §1, Mar. 9, 1965, 79 Stat. 5.)

SHORT TITLE OF 1975 AMENDMENT

Pub. L. 94–188, title I, §101, Dec. 31, 1975, 89 Stat. 1079, provided that: ''This title [enacting sections 225 and 303 of this Appendix, amending sections 2, 101, 102, 105 to 107, 201, 202, 205, 207, 211, 214, 223, 224, 302, 401, and 405 of this Appendix, repealing section 3134 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under sections 2 and 201 of this Appendix] may be cited as the 'Appalachian Regional Development Act Amendments of 1975'.''

SHORT TITLE OF 1971 AMENDMENT

Pub. L. 92–65, title II, §201, July 5, 1971, 85 Stat. 168, provided that: ''This title [enacting section 208 of this Appendix, amending sections 105, 106, 201, 202, 205, 207, 211, 214, 302, 401, and 405 of this Appendix, and enacting provision set out as note under section 223 of this Appendix] may be cited as the 'Appalachian Regional Development Act Amendments of 1971'.''

SHORT TITLE OF 1969 AMENDMENT

Pub. L. 91–123, title I, §101, Nov. 25, 1969, 83 Stat. 214, provided that: ''This title [amending sections 105, 201, 202, 205, 207, 214, 302, 401, 403, and 405 of this Appendix] may be cited as the 'Appalachian Regional Development Act Amendments of 1969'.''

SHORT TITLE OF 1967 AMENDMENT

Pub. L. 90–103, title I, §101, Oct. 11, 1967, 81 Stat. 257, provided that: ''This title [enacting sections 109 and 207 of this Appendix, and amending sections 102, 105, 106, 201, 202, 203, 204, 205, 206, 211, 212, 214, 221, 223, 224, 302, 303, 401, and 403 of this Appendix, section 461 of this title, and section 5334 of Title 5, Government Organization and Employees] may be cited as the 'Appalachian Regional Development Act Amendments of 1967'.''

ACTS REFERRED TO IN OTHER SECTIONS

The Appalachian Regional Development Act of 1965 is referred to in title 23 section 143; title 33 section 1257; title 42 sections 1396b, 3171, 3232, 5153.

The Appalachian Regional Development Act Amendments of 1975 are referred to in title 42 sections 3195, 3196.

§ 2. Findings and statement of purpose

(a) The Congress hereby finds and declares that the Appalachian region of the United States, while abundant in natural resources and rich in potential, lags behind the rest of the Nation in its economic growth and that its people have not shared properly in the Nation's prosperity. The region's uneven past development, with its historical reliance on a few basic industries and a marginal agriculture, has failed to provide the economic base that is a vital prerequisite for vigorous, self-sustaining growth. The State and local governments and the people of the region understand their problems and have been working and will continue to work purposefully toward their solution. The Congress recognizes the comprehensive report of the President's Appalachian Regional Commission documenting these findings and concludes that regionwide development is feasible, desirable, and urgently needed. It is, therefore, the purpose of this Act to assist the region in meeting its special problems, to promote its economic development, and to establish a framework for joint Federal and State efforts toward providing the basic facilities essential to its growth and attacking its common problems and meeting its common needs on a coordinated and concerted regional basis. The public investments made in the region under this Act shall be concentrated in areas where there is a significant potential for future growth, and where the expected return on public dollars invested will be the greatest. The States will be responsible for recommending local and State projects, within their borders, which will receive assistance under this Act. As the region obtains the needed physical and transportation facilities and develops its human resources, the Congress expects that the region will generate a diversified industry, and that the region will then be able to support itself, through the workings of a strengthened free enterprise economy.

(b) The Congress further finds and declares that while substantial progress has been made toward achieving the foregoing purposes, especially with respect to the provision of essential public facilities, much remains to be accomplished, especially with respect to the provision of essential health, education, and other public services. The Congress recognizes that changes and evolving national purposes in the decade since 1965 affect not only the Appalachian region, but also its relationship to a nation now assigning higher priority to conservation and the quality of life, values long cherished within the region. Appalachia now has the opportunity, in accommodating future growth and development, to demonstrate local leadership and coordinated 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. The 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 social and environmental costs to the region and its people. It is, therefore, also the purpose of this Act to provide a framework for coordinating Federal, State and local efforts toward (1) anticipating the effects of alternative energy policies and practices, (2) planning for accompanying growth and change so as to maximize the social and economic benefits and minimize social and environmental costs, and (3) 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.

(Pub. L. 89–4, §2, Mar. 9, 1965, 79 Stat. 5; Pub. L. 94–188, title I, §102, Dec. 31, 1975, 89 Stat. 1079.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out

in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

AMENDMENTS

1975—Pub. L. 94–188 designated existing provisions as subsec. (a) and added subsec. (b).

REPORT TO CONGRESS ON PROGRESS MADE IN IMPLEMENTATION OF REGIONAL DEVELOPMENT ACT OF 1975

Section 122(b) of Pub. L. 94–188 required Appalachian Regional Commission to submit to Congress by July 1, 1977, a report on progress made in implementing subsec. (b) of this section, the energy related enterprise development demonstration authority in section 302 of this Appendix, as well as other amendments made by title I of Pub. L. 94–188.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 302 of this Appendix.

TITLE I—THE APPALACHIAN REGIONAL COMMISSION

§ 101. Membership and voting

(a) There is hereby established an Appalachian Regional Commission (hereinafter referred to as the ''Commission'') which shall be composed of one Federal member, hereinafter referred to as the ''Federal Cochairman'', appointed by the President by and with the advice and consent of the Senate, and one member from each participating State in the Appalachian region. The Federal Cochairman shall be one of the two Cochairmen of the Commission. Each State member shall be the Governor. The State members of the Commission shall elect a Cochairman of the Commission from among their number for a term of not less than one year.

(b) Except as provided in section 105, decisions by the Commission shall require the affirmative vote of the Federal Cochairman and of a majority of the State members (exclusive of members representing States delinquent under section 105). In matters coming before the Commission, the Federal Cochairman shall, to the extent practicable, consult with the Federal departments and agencies having an interest in the subject matter. No decision involving Commission policy, approval of State, regional or subregional development plans or implementing investment programs, any modification or revision of the Appalachian Regional Commission Code, or any allocation of funds among the States may be made without a quorum of State members present. The approval of project and grant proposals shall be a responsibility of the Commission and exercised in accordance with section 303 of this Act.

(c) 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, by and with the advice and consent of the Senate, 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 State or Federal representative for which he is an alternate. A State alternate shall not be counted toward the establishment of a quorum of the Commission in any instance in which a quorum of the State members is required to be present. No Commission powers or responsibilities specified in the last two sentences of subsection (b) of this section, nor the vote of any Commission member, may be delegated to any person not a Commission member or who is not entitled to vote in Commission meetings.

(d) The Federal Cochairman shall be compensated by the Federal Government at level III of the Executive Schedule in subchapter II of chapter 53 of title V, United States Code. His alternate shall be compensated by the Federal Government at level V of such Executive Schedule, and when not actively serving as an alternate for the Federal Cochairman, shall perform such functions and duties as are delegated to him by the Federal Cochairman. Each State member and his alternate shall be compensated by the State which they represent at the rate established by law of such State.

(Pub. L. 89–4, title I, § 101, Mar. 9, 1965, 79 Stat. 6; Pub. L. 94–188, title I, §§ 103, 104, Dec. 31, 1975, 89 Stat. 1079, 1080.)

REFERENCES IN TEXT

Level III of the Executive Schedule, referred to in subsec. (d), is set out in section 5314 of Title 5, Government Organization and Employees.

Subchapter II of chapter 53 of title V, United States Code, referred to in subsec. (d), means subchapter II (§ 5311 et seq.) of chapter 53 of Title 5.

Level V of the Executive Schedule, referred to in subsec. (d), is set out in section 5316 of Title 5.

AMENDMENTS

1975—Subsec. (a). Pub. L. 94–188, § 103(1), (2), substituted provision that each State member shall be the Governor for provision that each State member may be the Governor, or his designee, or such other person as may be provided by the law of the State which he represents, and inserted provision that term of Cochairman shall be for not less than a year.

Subsec. (b). Pub. L. 94–188, § 103(3), inserted provisions requiring quorum of State members for Commission policy, approval of State, regional, or subregional development plans or implementing investment programs, modification or revision of the Appalachian Regional Commission Code, or allocation of funds among the States, and that the approval of the project and grant proposals shall be the responsibility of the Commission to be exercised in accordance with section 303 of this Act.

Subsec. (c). Pub. L. 94–188, § 103(4), (5), substituted provisions that 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 for provisions that each State member shall have an alternate, appointed by the Governor or as otherwise may be provided by the law of the State which he represents, and inserted provisions that State alternate shall not be counted toward the establishment of a quorum of the Commission in any instance in which a quorum of the State members is required to be present and that no Commission powers or responsibilities specified in last two sentences of subsec. (b) of this section nor the vote of any Commission member may be delegated to any person not a Commission member or who is not entitled to vote in Commission meetings.

Subsec. (d). Pub. L. 94–188, § 104, in provisions relating to compensation of Federal Cochairman and his alternate, substituted references to level III of the Execu-

tive Schedule in subchapter II of chapter 53 of title V and level V of such Executive Schedule for references to level IV of the Federal Executive Salary Schedule of the Federal Executive Salary Act of 1964 and grade GS–18 of the Classification Act of 1949, as amended, respectively.

EXECUTIVE ORDER NO. 11209

Ex. Ord. No. 11209, Mar. 25, 1965, 30 F.R. 3929, which established the Federal Development Committee for Appalachia, was revoked by Ex. Ord. No. 11386, Dec. 28, 1967, 33 F.R. 5, formerly set out as a note under section 3121 of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 106, 303 of this Appendix; title 42 section 3246c.

§ 102. Functions of the Commission

(a) In carrying out the purposes of this Act, the Commission shall—

(1) develop, on a continuing basis, comprehensive and coordinated plans and programs and establish priorities thereunder, giving due consideration to other Federal, State, and local planning in the 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 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; and

(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.

(b) 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. 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.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

AMENDMENTS

1975—Pub. L. 94–188 designated existing provisions as subsec. (a) and added subsec. (b).

1967—Par. (9). Pub. L. 90–103 struck out par. (9) which required the Commission to advise the Secretary of Commerce on applications for grants for administrative expenses to local development districts.

TERMINATION OF ADVISORY COUNCILS

Advisory councils in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, 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. 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 104 of this Appendix.

§ 103. Recommendations

The Commission may, from time to time, make recommendations to the President and to the State Governors and appropriate local officials with respect to—

(1) the expenditure of funds by Federal, State, and local departments and agencies in the region in the fields of natural resources, agriculture, education, training, health and welfare, and other fields related to the purposes of this Act; and

(2) such additional Federal, State, and local legislation or administrative actions as the Commission deems necessary to further the purposes of this Act.

(Pub. L. 89–4, title I, §103, Mar. 9, 1965, 79 Stat. 7.)

REFERENCES IN TEXT

This Act, referred to in pars. (1) and (2), means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 104 of this Appendix.

§ 104. Liaison between Federal Government and the Commission

The President shall provide effective and continuing liaison between the Federal Government and the Commission and a coordinated review within the Federal Government of the plans and

recommendations submitted by the Commission pursuant to sections 102 and 103.

(Pub. L. 89–4, title I, §104, Mar. 9, 1965, 79 Stat. 8.)

§ 105. Administrative expenses of the Commission

(a) For the period ending on June 30, 1967, the administrative expenses of the Commission shall be paid by the Federal Government. Thereafter, such expenses shall be paid 50 per centum by the Federal Government and 50 per centum by the States in the region, except that the expenses of the Federal Cochairman, his alternate, and his staff shall be paid solely by the Federal Government. The share to be paid by each State shall be determined by the Commission. The Federal Cochairman shall not participate or vote in such determination. No assistance authorized by this Act shall be furnished to any State or to any political subdivision or any resident of any State, nor shall the State member of the Commission participate or vote in any determination by the Commission while such State is delinquent in payment of its share of such expenses.

(b) To carry out this section there is hereby authorized to be appropriated to the Commission to be available until expended, not to exceed $1,900,000 for the two-fiscal-year period ending June 30, 1971. To carry out this section there is hereby authorized to be appropriated to the Commission, to be available until expended, not to exceed $2,700,000 for the two-fiscal-year period ending June 30, 1973 (of such amount not to exceed $525,000 shall be available for expenses of the Federal Cochairman, his alternate, and his staff), and not to exceed $3,300,000 for the two-fiscal-year period ending June 30, 1975 (of such amount not to exceed $575,000 shall be available for expenses of the Federal Cochairman, his alternate, and his staff). To carry out this section there is hereby authorized to be appropriated to the Commission, to be available until expended, not to exceed $4,600,000 for the period beginning July 1, 1975, and ending September 30, 1977 (of such amount not to exceed $800,000 shall be available for expenses of the Federal cochairman, his alternate and his staff), and not to exceed $5,000,000 for the two-fiscal-year period ending September 30, 1979 (of such amount not to exceed $900,000 shall be available for expenses of the Federal cochairman, his alternate and his staff), and not to exceed $6,700,000 for the two-fiscal-year period ending September 30, 1981 (of such amount not to exceed $1,100,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff), and not to exceed $2,900,000 for the fiscal year ending September 30, 1982 (of such amount not to exceed $400,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff).

(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.)

References in Text

This Act, referred to in subsec. (a), means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

Amendments

1981—Subsec. (b). Pub. L. 97–35 substituted ''$2,900,000 for the fiscal year ending September 30, 1982 (of such amount not to exceed $400,000'' for ''$3,350,000 for the fiscal year ending September 30, 1982 (of such amount not to exceed $550,000''.

1980—Subsec. (b). Pub. L. 96–506 inserted provisions relating to appropriations for the two-fiscal-year period ending Sept. 30, 1981, and for the fiscal year ending Sept. 30, 1982.

1975—Subsec. (b). Pub. L. 94–188 inserted authorization of appropriations for the period beginning July 1, 1975 and ending September 30, 1977, and for the two-fiscal-year period ending Sept. 30, 1979.

1971—Subsec. (b). Pub. L. 92–65 substituted provisions authorizing appropriation of $2,700,000 for the two-fiscal-year period ending June 30, 1973, of which up to $525,000 is to be available for expenses of the Federal Cochairman and his staff, and of $3,300,000 for the two-fiscal-year period ending June 30, 1975, of which up to $575,000 is to be available for expenses of the Federal Cochairman and his staff, for provisions authorizing amount up to $475,000 to be available for the expenses of the Federal Cochairman and his staff.

1969—Subsec. (b). Pub. L. 91–123 substituted provisions authorizing appropriation of $1,900,000 for the two-fiscal year period ending June 30, 1971, for provisions that authorized appropriation of $1,700,000 for the two-fiscal year period ending June 30, 1969, increased from $400,000 to $475,000 amount authorized to be available for expenses of the Federal cochairman, his alternate, and his staff, and struck out provisions whereby appropriations authorized prior to the Appalachian Regional Development Act Amendments of 1967 were to remain available until expended.

1967—Subsec. (a). Pub. L. 90–103 substituted ''June 30, 1967'' and ''50 per centum by the Federal Government and 50 per centum by the States'' for ''June 30 of the second full Federal fiscal year following the date of enactment of this Act [Mar. 9, 1965]'' and ''equally by the Federal Government and the States'', respectively, and provided for payment solely by the Federal Government of the expenses of the Federal Cochairman, his alternate, and his staff.

Subsec. (b). Pub. L. 90–103 authorized appropriation of $1,700,000 for two-fiscal-year period ending June 30, 1969, made $400,000 of such sum available for expenses of the Federal Cochairman, his alternate, and his staff, and made unexpended balances of appropriation authorization under this section prior to its amendment available until expended, such provision making $2,200,000 available to carry out this section as provided in former provisions of section 401 of the Act for period ending June 30, 1967.

Section Referred to in Other Sections

This section is referred to in sections 101, 401 of this Appendix.

§ 106. Administrative powers of Commission

To carry out its duties under this Act, the Commission is authorized to—

(1) adopt, amend, and repeal bylaws, rules, 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 such other personnel as may be necessary to enable the Commission to carry out its functions, except that such compensation shall not exceed the salary of the alternate to the Federal Cochairman on the Commission as provided in section 101. The executive director shall be responsible for carrying out the administrative functions of the Commission, for direction of the Commission staff, and for such other duties as the Commission may assign. No member, alternate, officer, or employee of the Commission, other than the Federal Cochairman on the Commission, his staff, and his alternate and Federal employees detailed to the Commission under paragraph (3) shall be deemed a Federal employee for any purpose.

(3) request the head of any Federal department or agency (who is hereby so authorized) to detail to temporary duty with the Commission such personnel within his administrative jurisdiction as the Commission may need for carrying out its functions, each such 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 or any subdivision or agency thereof, or any intergovernmental agency.

(5) make arrangements, including contracts, with any participating State government for inclusion in a suitable retirement and employee benefit system of such of its personnel as may not be eligible for, or continue in, another governmental retirement or employee benefit system, or otherwise provide for such coverage of its personnel. The Director of the Office of Personnel Management of the United States is authorized to contract with the Commission for continued coverage of Commission employees, who at date of Commission employment are Federal employees, in the retirement program and other employee benefit programs of the Federal Government.

(6) accept, use, and dispose of gifts or donations of services or property, real, personal, or mixed, tangible or intangible.

(7) enter into and perform such contracts, leases (including, notwithstanding any other provision of law, the lease of office space for any term expiring no later than September 30, 1982), cooperative agreements, or other transactions as may be necessary in carrying out its functions and on such terms as it may deem appropriate, with any department, agency, or instrumentality of the United States (which is hereby so authorized to the extent not otherwise prohibited by law) or with any State, or any political subdivision, agency, or instrumentality thereof, or with any person, firm, association, or corporation.

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

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

(Pub. L. 89–4, title I, §106, 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, 108, Dec. 31, 1975, 89 Stat. 1080, 1081; Pub. L. 96–506, §3(2), Dec. 8, 1980, 94 Stat. 2746; 1978 Reorg. Plan No. 2, §102, eff. Jan. 1, 1979, 43 F.R. 3607, 92 Stat. 3783.)

REFERENCES IN TEXT

This Act, referred to in opening phrase, means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

AMENDMENTS

1980—Par. (7). Pub. L. 96–506 substituted ''September 30, 1982'' for ''September 30, 1979''.

1975—Par. (2). Pub. L. 94–188, §108, inserted provisions that executive director shall be responsible for carrying out administrative functions of Commission, for direction of Commission staff, and for such other duties as Commission may assign.

Par. (7). Pub. L. 94–188, §107, substituted ''September 30, 1979'' for ''June 30, 1975''.

1971—Par. (7). Pub. L. 92–65 substituted ''June 30, 1975'' for ''June 30, 1971''.

1967—Par. (7). Pub. L. 90–103 inserted ''(including, notwithstanding any other provision of law, the lease of office space for any term expiring no later than June 30, 1971)'' and ''(which is hereby so authorized to the extent not otherwise prohibited by law)''.

TRANSFER OF FUNCTIONS

''Director of the Office of Personnel Management'' substituted for ''Civil Service Commission'' in par. (5), pursuant to reorg. Plan No. 2 of 1978, §102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred all functions vested by statute in United States Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1–102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 108 of this Appendix; title 5 section 5334.

§ 107. Information

(a) In order to obtain information needed to carry out its duties, the Commission shall—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable, a Cochairman of the Commission, or any member of the Commission designated by the Commission for the purpose, being hereby authorized to administer oaths when it is determined by the Commission that testimony shall be taken or evidence received under oath;

(2) arrange for the head of any Federal, State, or local department or agency (who is hereby so authorized to the extent not otherwise prohibited by law) to furnish to the Commission such information as may be available to or procurable by such department or agency; and

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

available for public inspection, and for the purpose of audit and examination by the Comptroller General or his duly authorized representatives.

(b) Public participation in the development, revision, and implementation of all plans and programs under this Act 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 such public participation, including public hearings.

(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.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b), means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

AMENDMENTS

1975—Pub. L. 94–188 designated existing provisions as subsec. (a) and added subsec. (b).

§ 108. Personal financial interests

(a) Except as permitted by subsection (b) hereof, no State member or alternate and no officer or employee of the Commission shall participate personally and substantially as member, alternate, officer, or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization (other than a State or political subdivision thereof) in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest. Any person who shall violate the provisions of this subsection shall be fined not more than $10,000, or imprisoned not more than two years, or both.

(b) Subsection (a) hereof shall not apply if the State member, alternate, officer, or employee first advises the Commission of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by the Commission that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Commission may expect from such State member, alternate, officer, or employee.

(c) No State member or alternate shall receive any salary, or any contribution to or supplementation of salary for his services on the Commission from any source other than his State. No person detailed to serve the Commission under authority of paragraph (4) of section 106 shall receive any salary or any contribution to or supplementation of salary for his services on the Commission from any source other than the State, local, or intergovernmental department or agency from which he was detailed or from the Commission. Any person who shall violate the provisions of this subsection shall be fined not more than $5,000, or imprisoned not more than one year, or both.

(d) Notwithstanding any other subsection of this section, the Federal Cochairman and his alternate on the Commission and any Federal officers or employees detailed to duty with it pursuant to paragraph (3) of section 106 shall not be subject to any such subsection but shall remain subject to sections 202 through 209 of title 18, United States Code.

(e) The Commission may, in its discretion, 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) or (c) of this section, or any of the provisions of sections 202 through 209 of title 18, United States Code.

(Pub. L. 89–4, title I, § 108, Mar. 9, 1965, 79 Stat. 9.)

§ 109. Amendment of section 5334(a) of title 5

Section 5334(a) of title 5, United States Code, is amended by adding at the end thereof the following new sentence: ''For the purpose of this subsection, an individual employed by the Appalachian Regional Commission under section 106(a) of the Appalachian Regional Development Act of 1965, or by a regional commission established pursuant to section 502 of the Public Works and Economic Development Act of 1965, under section 506(2) of such Act, who was a Federal employee immediately prior to such employment by a commission and within six months after separation from such employment is employed in a position to which this subchapter applies, shall be treated as if transferred from a position in the executive branch to which this subchapter does not apply.''

(Pub. L. 89–4, title I, § 109, as added Pub. L. 90–103, title I, § 105, Oct. 11, 1967, 81 Stat. 257.)

REFERENCES IN TEXT

Section 106(a) of the Appalachian Regional Development Act, referred to in text, probably means section 106(2) of Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 8, which is set out in this Appendix.

Section 502 of the Public Works and Economic Development Act of 1965 and section 506(2) of such Act, referred to in text, are sections 502 and 506(2) of Pub. L. 89–136, Aug. 26, 1965, 79 Stat. 564, 567, which enacted sections 3182 and 3186, respectively, of Title 42, The Public Health and Welfare, prior to repeal by Pub. L. 97–35, title XVIII, § 1821(a)(8), Aug. 13, 1981, 95 Stat. 766.

This subchapter, referred to in text, means subchapter III (§ 5331 et seq.) of chapter 53 of Title 5, Government Organization and Employees.

TITLE II—SPECIAL APPALACHIAN PROGRAMS

PART A—NEW PROGRAMS

§ 201. Appalachian development highway system

(a) In order to provide a highway system which, in conjunction with the Interstate System and other Federal-aid highways in the Appalachian region, will open up an area or areas with a developmental potential where commerce and communication have been inhibited by lack of adequate access, the Secretary of Transportation (hereafter in this section referred to as the ''Secretary'') is authorized to assist in the construction of an Appalachian development highway system and local access roads serving the Appalachian region. The provisions of sections 106(a) and 118 of title 23, United States Code, relating to the obligation, period of availability, and expenditure of Federal-aid highway funds, shall apply to the development highway system and the local access roads, and all other provisions of such title 23 that are applicable to the construction and maintenance of Federal-aid primary and secondary highways and which the Secretary determines are not inconsistent with this Act shall apply, respectively, to such system and roads. Construction on the development highway system shall not exceed three thousand and twenty-five miles. Construction of local access roads shall not exceed one thousand four hundred miles that will serve specific recreational, residential, educational, commercial, industrial, or other like facilities or will facilitate a school consolidation program.

(b) The Commission shall transmit to the Secretary its designations of (1) the general corridor location and termini of the development highways, (2) local access roads to be constructed, (3) priorities for the construction of segments of the development highways, and (4) other criteria for the program authorized by this section. Before any State member participates in or votes on such designations, he shall have obtained the recommendations of the State highway department of the State which he represents.

(c) In no event shall the Secretary assist in any construction (including right-of-way acquisition) which would require for its completion the expenditure of Federal funds (other than funds available under title 23, United States Code) in excess of the appropriations authorization in subsection (g). On its completion each development highway not already on the Federal-aid primary system shall be added to such system and each development highway and local access road shall be required to be maintained by the State as provided for Federal-aid highways in title 23, United States Code.

(d) In the construction of highways and roads authorized under this section, the States may give special preference to the use of materials and products indigenous to the Appalachian region.

(e) For the purposes of research and development in the use of coal and coal products in highway construction and maintenance, the Secretary is authorized to require each participating State, to the maximum extent possible, to use coal derivatives in the construction of not to exceed 10 per centum of the roads authorized under this Act.

(f) Federal assistance to any construction project under this section shall not exceed 80 per centum of the costs of such project.

(g) To carry out this section, there is hereby authorized to be appropriated to the President, to be available until expended, $175,000,000 for the fiscal year ending June 30, 1971; $175,000,000 for the fiscal year ending June 30, 1972; $180,000,000 for the fiscal year ending June 30, 1973; $180,000,000 for the fiscal year ending June 30, 1974; $185,000,000 for the fiscal year ending June 30, 1975; $185,000,000 for the fiscal year ending June 30, 1976; $185,000,000 for the fiscal year ending June 30, 1977; $250,000,000 for fiscal year 1978; $300,000,000 for fiscal year 1979; $300,000,000 for fiscal year 1980; $215,000,000 for fiscal year 1981; and $165,000,000 for fiscal year 1982.

(h)(1) When a participating State proceeds to construct a segment of a development highway without the aid of Federal funds, in accordance with all procedures and requirements applicable to the construction of segments of Appalachian development highways with such funds, except insofar as such procedures and requirements limit a State to the construction of projects for which Federal funds have previously been appropriated, the Secretary, upon application by the State and with the approval of the Commission, is authorized to pay to the State the Federal share not to exceed 70 per centum of the costs of the construction of such segment, from any sums appropriated and allocated to such State to carry out this section.

(2) This subsection shall not be construed as a commitment or obligation on the part of the United States to provide funds for segments of development highways constructed under this subsection, and shall not increase the limitation on construction in subsection (c).

(Pub. L. 89–4, title II, § 201, Mar. 9, 1965, 79 Stat. 10; Pub. L. 89–670, § 8(b), Oct. 15, 1966, 80 Stat. 942; Pub. L. 90–103, title I, § 106, Oct. 11, 1967, 81 Stat. 258; Pub. L. 91–123, title I, § 103, Nov. 25, 1969, 83 Stat. 214; Pub. L. 92–65, title II, § 204, Aug. 5, 1971, 85 Stat. 168; Pub. L. 94–188, title I, § 110, Dec. 31, 1975, 89 Stat. 1081; Pub. L. 95–599, title I, § 138(a), (b), Nov. 6, 1978, 92 Stat. 2710; Pub. L. 96–506, § 3(3), Dec. 8, 1980, 94 Stat. 2746; Pub. L. 97–35, title XVIII, § 1822(a)(2), Aug. 13, 1981, 95 Stat. 767.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (e), means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix and which will terminate, except for this section, Oct. 1, 1982. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1981—Subsec. (g). Pub. L. 97–35 substituted ''$165,000,000'' for ''$215,000,000'' in appropriation for fiscal year 1982.

1980—Subsec. (g). Pub. L. 96–506 increased from $170,000,000 to $215,000,000 amount authorized to be appropriated for fiscal year 1981, and inserted provision authorizing to be appropriated $215,000,000 for fiscal year 1982.

1978—Subsec. (a). Pub. L. 95–599, §138(b), substituted ''three thousand and twenty-five miles'' for ''two thousand nine hundred miles''.

Subsec. (f). Pub. L. 95–599, §138(a), substituted ''80 per centum'' for ''50 per centum'' and struck out provision authorizing Commissioner to allow assistance over and above maximum amount.

1975—Subsec. (a). Pub. L. 94–188, §110(1), increased limit on construction of highway system to 2900 miles from 2700 miles and decreased limit on construction of local access roads from 1600 miles to 1400 miles.

Subsec. (g). Pub. L. 94–188, §110(2), increased authorization of appropriation for fiscal year 1978, from $180,000,000 to $250,000,000, and inserted authorization of appropriations for fiscal years 1979, 1980, and 1981.

1971—Subsec. (g). Pub. L. 92–65 substituted provisions authorizing to be appropriated $175,000,000 for the fiscal years ending June 30, 1971, and June 30, 1972, $180,000,000 for the fiscal years ending June 30, 1973, and June 30, 1974, $185,000,000 for the fiscal years ending June 30, 1975, June 30, 1976, and June 30, 1977, and $180,000,000 for the fiscal year ending June 30, 1978, for provisions authorizing to be appropriated $175,000,000 for the fiscal years ending June 30, 1970, June 30, 1971, and June 30, 1972 and $170,000,000 for the fiscal year ending June 30, 1973.

1969—Subsec. (a). Pub. L. 91–123, §103(a), inserted references to sections 106(a) and 118 of title 23 relating to obligation, period of availability, and expenditures of Federal-aid highway funds as applicable to development of highway system and local access roads.

Subsec. (g). Pub. L. 91–123, §103(b), substituted provisions authorizing to be appropriated $175,000,000 for the fiscal years ending June 30, 1970, June 30, 1971, and June 30, 1972, and $170,000,000 for the fiscal year ending June 30, 1973, for provisions authorizing to be appropriated $715,000,000 for the four-fiscal-year period ending June 30, 1971.

1967—Subsec. (a). Pub. L. 90–103 rearranged text sequence, defined ''Secretary'' for this section as the Secretary of Transportation, increased development highway system and local access roads mileage from 2,350 to 2,700 and from 1,000 to 1,600 miles, respectively, made title 23 provisions relating to construction and maintenance of Federal-aid primary highways applicable only to the development highway system, made such title 23 provisions as related to Federal-aid secondary highways applicable to local access roads, and provided that such local access roads serve also educational facilities.

Subsec. (b). Pub. L. 90–103 substituted introductory provision respecting transmission of designations for submission of recommendations and in last sentence ''designations'' for ''recommendations'' and struck out initial phrase ''As soon as feasible'', ''the designation of'' before ''local access roads'' from cl. 2), and ''of the local access roads and of the major'' before ''segments'' from cl. (3).

Subsec. (c). Pub. L. 90–103 included right-of-way acquisition, required State maintenance of local access roads and that State maintenance be as provided for Federal-aid highways in Title 23, and struck out initial provision authorizing the Secretary to approve in whole or in part the recommendations or to require modifications or revisions thereof.

Subsec. (d). Pub. L. 90–103 substituted ''materials and products'' for ''mineral resource materials''.

Subsec. (e). Pub. L. 90–103 struck out ''of Transportation'' after ''Secretary'' in view of definition in subsec. (a) of this section.

Subsec. (f). Pub. L. 90–103 substituted ''the Commission determines'' for ''the Secretary of Commerce and the Secretary of Transportation determine, pursuant to the recommendation of the Commission''.

Subsec. (g). Pub. L. 90–103 substituted appropriation authorization of $715,000,000 to the President for four-fiscal-year period ending June 30, 1971, to be available until expended, for appropriation authorization of $840,000,000 to the Secretary of Commerce, who shall transfer funds to the Secretary of Transportation for administration of projects approved by both Secretaries.

Subsec. (h). Pub. L. 90–103 added subsec. (h).

1966—Subsec. (a). Pub. L. 89–670, §8(b)(1), (2), substituted ''Transportation'' for ''Commerce (hereafter in this section referred to as the 'Secretary')'', and ''Secretary of Transportation'' for ''Secretary''.

Subsec. (b). Pub. L. 89–670, §8(b)(3), inserted ''of Commerce'' after ''Secretary''.

Subsec. (c). Pub. L. 89–670, §8(b)(4), (5), inserted provision for the approval of recommendations by the Secretary of Commerce prior to transmittal to the Secretary of Transportation for his approval and inserted ''of Transportation'' after ''Secretary'' in existing provisions.

Subsec. (e). Pub. L. 89–670, §8(b)(6), inserted ''of Transportation'' after ''Secretary''.

Subsec. (f). Pub. L. 89–670, §8(b)(7), inserted provisions requiring the approval of both the Secretary of Commerce and the Secretary of Transportation to allow Federal assistance in excess of 50 per centum of the cost of a project.

Subsec. (g). Pub. L. 89–670, §8(b)(8), called for appropriation of the authorized funds to the Secretary of Commerce for transfer to the Secretary of Transportation for the administration of projects approved by both Secretaries.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89–670 effective Apr. 1, 1967, as prescribed by the President and published in the Federal Register, see section 16(a), formerly §15(a), of Pub. L. 89–670 and Ex. Ord. No. 11340, Mar. 30, 1967, 32 F.R. 5453.

PAYMENT FOR CONSTRUCTION OF FINAL SECTION OF APPROVED APPALACHIAN DEVELOPMENT CORRIDOR HIGHWAY NECESSARY AS ELEMENT OF FLOOD CONTROL PROJECT

Section 138(c) of Pub. L. 95–599 provided that: ''In any case where an Appalachian development highway on the Federal-aid primary system, is the final section of an approved Appalachian development corridor highway within an urbanized area, transects an unincorporated jurisdiction, and is a necessary element of a flood control project for the protection of a commercially zoned area containing not less than seventy commercial and industrial establishments which is authorized under section 205 of the Flood Control Act of 1948 [section 701s of Title 33, Navigation and Navigable Waters], the Secretary of Transportation shall provide to the State highway department so much of the costs, not to exceed $1,800,000, as may be necessary to permit construction of that portion of such development highway as is necessary to permit completion of the flood control project. The Federal share of the total cost of any complete Appalachian development highway a portion of which receives assistance under this subsection [this note] shall not exceed (including all assistance under this subsection) that percentage of such total cost which, but for this subsection, would otherwise be applicable to such development highway.''

NEW AND INCREASED AUTHORITY TO ENTER INTO CONTRACTS; RELATION TO AMOUNTS APPROPRIATED

Section 124 of Pub. L. 94–188 provided that: ''To the extent that any section of this title [see Short Title of 1975 Amendment note set out under section 1 of this Appendix] provides new or increased authority to enter into contracts under section 201 of the Appalachian Regional Development Act of 1965 [this section], such new or increased authority shall be effective for any fiscal year only in such amounts as are provided in appropriation acts.''

DISCRIMINATION BASED ON SEX PROHIBITED IN PROGRAMS UNDER APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

Pub. L. 92–65, title II, §214, Aug. 5, 1971, 85 Stat. 173, provided: ''No person in the United States shall, on the

ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Appalachian Regional Development Act of 1965 [this Appendix].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 214, 401, 405 of this Appendix.

§ 202. Demonstration health projects

(a) In order to demonstrate the value of adequate health facilities and services to the economic development of the region, the Secretary of Health and Human Services is authorized to make grants for the planning, construction, equipment, and operation of multi-county demonstration health, nutrition, and child care projects, including hospitals, regional health diagnostic and treatment centers and other facilities and services necessary for the purposes of this section. Grants for such construction (including the acquisition of privately owned facilities not operated for profit or previously operated for profit where the acquisition of such facilities is the most cost-effective means for providing increased health services if the Commission finds that but for the acquisition for such facility such health services would not be otherwise provided in the area served by such facility, and initial equipment) shall be made in accordance with section 223 of this Act and shall not be incompatible with the applicable provisions of title VI of the Public Health Service Act (42 U.S.C. 291–291*o*), the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (77 Stat. 282), and other laws authorizing grants for the construction of health-related facilities, without regard to any provisions therein relating to appropriation authorization ceilings or to allotments among the States. Grants under this section shall be made solely out of funds specifically appropriated for the purpose of carrying out this Act and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provisions of law.

(b) No grant for the construction or equipment of any component of a demonstration health project shall exceed 80 per centum of such costs. The Federal contribution may be provided entirely from funds authorized under this section or in combination with funds provided under other Federal grant-in-aid programs for the construction or equipment of health-related facilities. Notwithstanding any provision of law limiting the Federal share in such other programs, funds authorized under this section may be used to increase Federal grants for component facilities of a demonstration health project to a maximum of 80 per centum of the cost of such facilities.

(c) Grants under this section for operation (including initial operating funds and operating deficits comprising among other items the costs of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with funds authorized by this section, may be made for up to 100 per centum of the costs thereof for the two-year period beginning, for each component facility or service assisted under any such operating grant, on the first day that such facility or service is in operation as a part of the project. For the next three years of operations such grants shall not exceed 75 per centum of such costs. The Federal contribution may be provided entirely from funds appropriated to carry out this section or in combination with funds provided under other Federal grant-in-aid programs for the operation of health related facilities and the provisions of health and child development services, including title IV, parts A and B, and title XX of the Social Security Act. Notwithstanding any provision of the Social Security Act requiring assistance or services on a statewide basis, if a State provides assistance or services under such a program in any area of the region approved by the Commission, such State shall be considered as meeting such requirement. Notwithstanding any provision of law limiting the Federal share in such other programs, funds appropriated to carry out this section may be used to increase Federal grants for operating components of a demonstration health project to the maximum percentage cost thereof authorized by this subsection. No grant for operation of a demonstration health project shall be made unless the facility is publicly owned, or owned by a public or private nonprofit organization, and is not operated for profit. No grants for operation of a demonstration health project shall be made after five years following the commencement of the initial grant for operation of the project, except that child development demonstrations assisted under this section during fiscal year 1979 may, upon State request, be approved under section 303 of this Act for continued support beyond that period if the Commission finds that no Federal, State, or local funds are available to continue such demonstrations. No such grants shall be made unless the Secretary of Health and Human Services is satisfied that the operation of the project will be conducted under efficient management practices designed to obviate operating deficits. Notwithstanding section 104 of the Public Works and Economic Development Act of 1965 (79 Stat. 554; 42 U.S.C. 3134), a health-related facility constructed under title I of that Act may be a component of a demonstration health project eligible for operating grant assistance under this section.

(d) The Secretary of Health and Human Services is authorized to provide funds to the Commission for the support of its Health Advisory Committee and to make grants for expenses of planning necessary for the development and operation of demonstration health projects for the region. The amount of any such grant shall not exceed 75 per centum of such expenses. The Federal contribution to such expenses of planning may be provided entirely from funds authorized under this section or in combination with funds provided under other Federal or Federal grant-in-aid programs. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by this subsection.

(e) In order to provide for the further development of the Appalachian region's human resources, grants under this section shall give special emphasis to programs and research for the early detection, diagnosis, and treatment of occupational diseases arising from coal mining, such as black lung.

(Pub. L. 89–4, title II, § 202, Mar. 9, 1965, 79 Stat. 11; Pub. L. 90–103, title I, § 107, Oct. 11, 1967, 81 Stat. 259; Pub. L. 91–123, title I, § 104, Nov. 25, 1969, 83 Stat. 214; Pub. L. 92–65, title II, § 206, Aug. 5, 1971, 85 Stat. 169; Pub. L. 94–188, title I, § 111, Dec. 31, 1975, 89 Stat. 1081; Pub. L. 95–193, § 1, Nov. 18, 1977, 91 Stat. 1412; Pub. L. 96–88, title V, § 509(b) Oct. 17, 1979, 93 Stat. 695; Pub. L. 96–545, § 2, Dec. 18, 1980, 94 Stat. 3215.)

REFERENCES IN TEXT

Section 223 of this Act, referred to in subsec. (a), is section 223 of Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 18, which is set out as section 223 of this Appendix.

The Public Health Service Act, referred to in subsec. (a), is act July 1, 1944, ch. 373, 58 Stat. 682, as amended. Title VI of the Public Health Service Act is classified generally to subchapter IV (§ 291 et seq.) of chapter 6A of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 201 of Title 42 and Tables.

The Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (77 Stat. 282), referred to in subsec. (a), is Pub. L. 88–164, Oct. 31, 1963, 77 Stat. 282, as amended, which was classified principally to subchapter III (§ 2689 et seq.) of chapter 33 and chapter 75 (§ 6000 et seq.) of Title 42. Such subchapter III was popularly known as the Community Mental Health Centers Act prior to repeal by Pub. L. 97–35, title IX, § 902(e)(2)(B), Aug. 13, 1981, 95 Stat. 560. For complete classification of these Acts to the Code, see Tables.

This Act, referred to in subsec. (a), means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

The Social Security Act, referred to in subsec. (c), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§ 301 et seq.) of Title 42, The Public Health and Welfare. Parts A and B of title IV of the Social Security Act are classified generally to part A (§ 601 et seq.) and part B (§ 620 et seq.) of subchapter IV of chapter 7 of Title 42. Title XX of the Social Security Act is classified generally to subchapter XX (§ 1397 et seq.) of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

Section 303 of this Act, referred to in subsec. (c), is section 303 of Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 20, which is set out as section 303 of this Appendix.

Section 104 of the Public Works and Economic Development Act of 1965 (79 Stat. 554; 42 U.S.C. 3134), referred to in subsec. (c), was repealed by Pub. L. 94–188, title I, § 123, Dec. 31, 1975, 89 Stat. 1086.

Title I of that Act, referred to in subsec. (c), means title I of Pub. L. 89–136, Aug. 26, 1965, 79 Stat. 552, as amended, known as the Public Works and Economic Development Act of 1965. Title I of the Public Works and Economic Development Act of 1965 is classified generally to subchapter I (§ 3131 et seq.) of chapter 38 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3121 of Title 42 and Tables.

AMENDMENTS

1980—Subsec. (c). Pub. L. 96–545 substituted provisions relating to child development demonstrations assisted during fiscal year 1979, for provisions relating to maximum amount of transitional funding.

1977—Subsec. (c). Pub. L. 95–193 inserted ''except that transitional funding not to exceed 75 per centum of annual operating costs may be approved for not more than two additional years of operations for child development demonstrations if the Commission finds that no Federal, State, or local funds are available to continue such demonstrations'' after ''the initial grant for operation of the project''.

1975—Subsec. (a). Pub. L. 94–188, § 111(1), in provisions relating to acquisition of facilities, inserted reference to facilities previously operated for profit where the acquisition of such facility is the most cost-effective means for providing increased health services on a finding by the Commission that but for the acquisition of such facility such health services would not otherwise be provided in the area served by such facility, and also inserted reference to section 223 of this Act.

Subsec. (c). Pub. L. 94–188, § 111(2), in provisions relating to funds from which Federal contributions may be made, inserted reference to title XX of the Social Security Act.

1971—Subsec. (c). Pub. L. 92–65, § 206(a), inserted provision that Federal funds authorized under Federal grant programs for the provision of child development services, including title IV of the Social Security Act, may be used in combination with funds provided under this Appendix and further provided an exception to the Social Security Act to permit States to utilize funds for programs or projects that would be implemented in the Appalachian States without regard to any provision of law requiring the providing of this type of assistance or service on a statewide basis.

Subsec. (d). Pub. L. 92–65, § 206(b), inserted provision that the Federal contribution to the expenses of planning may be provided entirely from funds under this section or in combination with funds provided under other Federal or Federal grant-in-aid programs and that funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost authorized by this subsection.

1969—Subsec. (a). Pub. L. 91–123, § 104(a), authorized the Secretary to make grants for planning, construction, equipment, and operation of multi-county nutrition and child care projects.

Subsec. (c). Pub. L. 91–123, § 104(b), increased from 50 to 75 per centum of the costs for health projects the maximum amounts allowed for grants for the third, fourth, and fifty years of operations of such health projects.

Pub. L. 91–123, § 104(c), inserted provisions authorizing operating expenses for demonstration projects to be wholly funded by appropriations for this section, or in combination with funds provided to carry out other Federal grant-in-aid programs for the operation of health related facilities, and authorizing funds appropriated for this section to be used to increase Federal grants for operating components of demonstration health projects to the maximum per centum authorized by this subsection.

Subsec. (e). Pub. L. 91–123, § 104(d), substituted provisions that grants under this section, give special emphasis to research for the early detection, and treatment of occupational diseases arising from coal mining, for provisions that authorized to be appropriated an amount not to exceed $50,000,000 of the funds authorized in section 401 of this Act for the two-fiscal year period ending June 30, 1969 to carry out the purposes of this section.

1967—Subsec. (a). Pub. L. 90–103 substituted ''health facilities and services'' for ''health and medical facilities'' and ''health projects'' for ''health facilities'', authorized planning grants, other services necessary to health, and grants for acquisition of privately owned facilities not operated for profit, and provided that construction grants be also made in accordance with other laws authorizing grants for construction of health-related facilities.

Subsec. (b). Pub. L. 90–103 designated sources of funds for the Federal contribution and authorized use of the funds to increase Federal grants for facilities of a demonstration health project to a maximum of 80 per centum of the costs of such facilities, and eliminated provisions for availability of $41,000,000 for construction grants for period ending June 30, 1967, as provided in former provisions of section 401 of the Act, now incorporated in subsec. (e) of this section.

Subsec. (c). Pub. L. 90–103 provided for operating funds and operating deficits comprising among other items the costs of attracting, training, and retaining qualified personnel, for projects whether or not constructed with funds authorized by this section, for component facility or service assisted under any operating grant, prohibited grants for operation of a project unless the facility is publicly owned, or owned by a public or private nonprofit organization, and is not operated for profit and unless the Secretary of Health, Education, and Welfare is satisfied that the operation of the project will be conducted under efficient management practices designed to deprive obviate operating deficits, and permitted a health-related facility constructed under title I of the Public Works and Economic Development Act of 1965 to be a component of a health project eligible for operating grant assistance under this section, and struck out provisions for availability of $28,000,000 for operating grants for period ending June 30, 1967, as provided in former provisions of section 401 of the Act, now incorporated in subsec. (e) of this section.

Subsec. (d). Pub. L. 90–103 added subsec. (d).

Subsec. (e). Pub. L. 90–103 incorporated former second sentence of subsec. (b) and last sentence of subsec. (c) in provisions designated as subsec. (e), substituting provisions for availability of $50,000,000 for two-fiscal-year period ending June 30, 1969, to carry out this section for former provisions of subsec. (b) for availability of $41,000,000 for construction grants and former provisions of subsec. (c) for availability of $28,000,000 for operating grants for period ending June 30, 1967, as provided in former provisions of section 401 of the Act.

CHANGE OF NAME

''Secretary of Health and Human Services'' substituted for ''Secretary of Health, Education, and Welfare'' in subsecs. (a), (c), and (d), pursuant to section 509(b) of Pub. L. 96–88 which is classified to section 3508(b) of Title 20, Education.

TERMINATION OF ADVISORY COMMITTEE

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. Advisory committees 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 committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

STUDY OF CHILD DEVELOPMENT PROGRAMS BEING ASSISTED UNDER APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

Section 2 of Pub. L. 95–193 authorized the Appalachian Regional Commission and the Department of Health, Education, and Welfare to make a full investigation and study of the child development programs being assisted under this Appendix to determine the source and nature of any problems in the phasing out of Federal assistance to such programs, to recommend solutions to such problems, and to report to Congress their findings and recommendations not later than one year after Nov. 18, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 401 of this Appendix.

§ 203. Land stabilization, conservation, and erosion control

(a) In order to provide for the control and prevention of erosion and sediment damages in the Appalachian region and to promote the conservation and development of the soil and water resources of the region, the Secretary of Agriculture is authorized to enter into agreements of not more than ten years with landowners, operators, and occupiers, individually or collectively, in the Appalachian region determined by him to have control for the period of the agreement of the lands described therein, providing for land stabilization, erosion and sediment control, and reclamation through changes in land use, and conservation treatment including the establishment of practices and measures for the conservation and development of soil, water, woodland, wildlife, and recreation resources.

(b) The landowner, operator, or occupier shall furnish to the Secretary of Agriculture a conservation and development plan setting forth the appropriate and safe land uses and conservation treatment mutually agreed by the Secretary and the landowner[1] operator, or occupier to be needed on the lands for which the plan was prepared.

(c) Such plan shall be incorporated in an agreement under which the landowner, operator, or occupier shall agree with the Secretary of Agriculture to carry out the land uses and conservation treatment provided for in such plan on the lands described in the agreement in accordance with the terms and conditions thereof.

(d) In return for such agreement by the landowner, operator, or occupier the Secretary of Agriculture shall be authorized to furnish financial and other assistance to such landowner, operator, or occupier in such amounts and subject to such conditions as the Secretary determines are appropriate and in the public interest for the carrying out of the land uses and conservation treatment set forth in the agreement: *Provided*, That grants hereunder shall not exceed 80 per centum of the cost of carrying out such land uses and conservation treatment on fifty acres of land occupied by such owner, operator, or occupier.

(e) The Secretary of Agriculture may terminate any agreement with a landowner, operator or occupier by mutual agreement if the Secretary determines that such termination would be in the public interest, and may agree to such modification of agreements previously entered into hereunder as he deems desirable to carry out the purposes of this section or to facilitate the practical administration of the program authorized herein.

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[1] So in original. Probably should be followed by a comma.

(f) Notwithstanding any other provision of law, the Secretary of Agriculture, to the extent he deems it desirable to carry out the purposes of this section, may provide in any agreement hereunder for (1) preservation for a period not to exceed the period covered by the agreement and an equal period thereafter of the cropland, crop acreage, and allotment history applicable to land covered by the agreement for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation on the production of such crop; or (2) surrender of any such history and allotments.

(g) The Secretary of Agriculture shall be authorized to issue such rules and regulations as he determines are necessary to carry out the provisions of this section.

(h) In carrying out the provisions of this section, the Secretary of Agriculture shall utilize the services of the Soil Conservation Service, and the State and local committees provided for in section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(b)), and is authorized to utilize the facilities, services, and authorities of the Commodity Credit Corporation. The Corporation shall not make any expenditures to carry out the provisions of this subsection unless funds specifically appropriated for such purpose have been transferred to it.

(i) Not to exceed $19,000,000 of the funds authorized in section 401 of this Act for the two-fiscal-year period ending June 30, 1969, shall be available to carry out this section.

(Pub. L. 89–4, title II, § 203, Mar. 9, 1965, 79 Stat. 12; Pub. L. 90–103, title I, § 108, Oct. 11, 1967, 81 Stat. 260.)

REFERENCES IN TEXT

Section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(b)), referred to in subsec. (h), is actually classified to section 590h(b) of Title 16, Conservation.

AMENDMENTS

1967—Subsec. (i). Pub. L. 90–103 substituted provisions for availability of $19,000,000 for two-fiscal-year period ending June 30, 1969, for former provisions for availability of $17,000,000 for period ending June 30, 1967, as provided in former provisions of section 401 of the Act.

TRANSFER OF FUNCTIONS

Administration of program of Commodity Credit Corporation transferred to Secretary of Agriculture by Reorg. Plan No. 3 of 1946, § 501, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1100, set out in the Appendix to Title 5, Government Organization and Employees.

§ 204. Timber development organizations

(a) In order that the region shall more fully benefit from the timber stands that are one of its prime assets, the Secretary of Agriculture is authorized to—

(1) provide technical assistance in the organization and operation, under State law, of private timber development organizations having as their objective the carrying out of timber development programs to improve timber productivity and quality, and increase returns to landowners through establishment of private nonprofit corporations, which on a self-supporting basis may provide (A) continuity of management, good cutting practices, and marketing services, (B) physical consolidation of small holdings or administrative consolidation for efficient management under long-term agreement, (C) management of forest lands, donated to the timber development organizations for demonstrating good forest management, on a profitable and taxpaying basis, and (D) establishment of a permanent fund for perpetuation of the work of the corporations to be composed of donations, real or personal, for educational purposes.

(2) provide not more than one-half of the initial capital requirements of such timber development organizations through loans under the applicable provisions of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1926 et seq.). Such loans shall not be used for the construction or acquisition of facilities for manufacturing, processing, or marketing forest products, or for physical consolidation of small timber holdings authorized by (1)(B) above except for the establishment of demonstration units.

(b) The Secretary of Agriculture is authorized to provide technical assistance, make grants, enter into contracts, or otherwise provide funds, first to colleges, universities and other institutions of higher education (with priority to land grant schools), and thereafter to forest products research institutions in the region and other appropriate public and private organizations, which schools, institutions, and organizations have the demonstrated capability to perform such research, for Appalachian hardwood products research, including investigations, studies, and demonstrations, which will further the purposes of this Act. Funds shall be provided only for programs and projects which will contribute significantly to the development of (1) Appalachian hardwood technology, (2) new or improved uses of Appalachian hardwood resources, (3) new or improved processes or methods for producing hardwood products, or (4) new or improved markets for such products. Funds under this section shall be provided solely out of sums specifically appropriated for the purposes of carrying out this Act, and shall not be taken into account in the allocation or distribution of funds pursuant to any other provision of law.

(c) Not to exceed $2,000,000 of the funds authorized in section 401 of this Act for the two-fiscal-year period ending June 30, 1969, shall be available to carry out the purposes of subsection (b) of this section.

(Pub. L. 89–4, title II, § 204, Mar. 9, 1965, 79 Stat. 13; Pub. L. 90–103, title I, § 109, Oct. 11, 1967, 81 Stat. 260.)

REFERENCES IN TEXT

The Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1926 et seq.), referred to in subsec. (a)(2), is title III of Pub. L. 87–128, Aug. 8, 1961, 75 Stat. 307, as amended, known as the Consolidated Farm and Rural Development Act, which is classified principally to chapter 50 (§ 1921 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1921 of Title 7 and Tables.

This Act, referred to in subsec. (b), means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the

Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

AMENDMENTS

1967—Subsecs. (b), (c). Pub. L. 90–103 added subsec. (b), redesignated former subsec. (b) as (c), and substituted provisions for availability of $2,000,000 to carry out purposes of subsec. (b) for two-fiscal-year period ending June 30, 1969, for former provisions for availability of $5,000,000 to carry out this section for period ending June 30, 1967, as provided in former provisions of section 401 of the Act.

§ 205. Mining area restoration

(a) In order to further the economic development of the region by rehabilitating areas presently damaged by deleterious mining practices, the Secretary of the Interior is authorized to—

(1) make financial contributions to States in the region to seal and fill voids in abandoned coal mines and abandoned oil and gas wells, and to reclaim and rehabilitate lands affected by the strip and surface mining and processing of coal and other minerals, including lands affected by waste piles, in accordance with provisions of the Act of July 15, 1955 (30 U.S.C. 571 et seq.) to the extent applicable, without regard to section 2(b) thereof (30 U.S.C. 572(b)) or to any provisions therein limiting assistance to anthracite coal formation, or to the Commonwealth of Pennsylvania; to control and abate mine drainage pollution; and for planning or engineering for any such activities. Grants under this paragraph shall be made wholly out of funds specifically appropriated for the purposes of carrying out this Act.

(2) plan and execute projects for planning, engineering, or extinguishing underground and outcrop mine fires in the region or to make grants to the States for carrying out such projects, in accordance with the applicable provisions of the Act of August 31, 1954 (30 U.S.C. 551 et seq.), without regard to any provisions therein relating in annual appropriation authorization ceilings. Grants under this paragraph shall be made solely out of funds specifically appropriated for the purpose of carrying out this Act.

(b) Notwithstanding any other provision of law, the Federal share of mining area restoration project costs carried out under subsection (a) of this section and conducted on lands other than federally owned lands shall not exceed 75 per centum of the total cost thereof. For the purposes of this section, such project costs may include the reasonable value (including donations) of planning, engineering, real property acquisition (limited to the reasonable value of the real property in its unreclaimed state and costs incidental to its acquisition, as determined by the Commission), and such other materials (including, but not limited to, sand, clay, stone, culm, rock, spoil bank and noncombustible materials) and services as may be required for such project.

(c) Whenever a State, local government, or other nonprofit applicant agrees to indemnify the Federal Government, or its officers, agents, or employees, for all claims of loss or damage resulting from the use and occupation of lands for a project assisted under this section, the Secretary may waive all requirements for the submission of releases, consents, waivers, or similar instruments respecting such lands, but the Secretary may require security as he deems appropriate for any such indemnification agreement.

(d) No moneys authorized by this Act shall be expended for the purposes of reclaiming, improving, grading, seeding, or reforestation of strip-mined areas, except on lands owned by Federal, State, or local government bodies or by private nonprofit entities organized under State law to be used for public recreation, conservation, community facilities, or public housing.

(Pub. L. 89–4, title II, §205, Mar. 9, 1965, 79 Stat. 13; Pub. L. 90–103, title I, §110, Oct. 11, 1967, 81 Stat. 261; Pub. L. 91–123, title I, §105, Nov. 25, 1969, 83 Stat. 215; Pub. L. 92–65, title II, §207, Aug. 5, 1971, 85 Stat. 169; Pub. L. 94–188, title I, §112, Dec. 31, 1975, 89 Stat. 1081.)

REFERENCES IN TEXT

Act of July 15, 1955 (30 U.S.C. 571 et seq.), referred to in subsec. (a)(1), is act July 15, 1955, ch. 369, 69 Stat. 352, as amended, which is classified generally to chapter 14 (§571 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Tables.

This Act, referred to in subsecs. (a)(1), (2), (d), means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

Act of August 31, 1954 (30 U.S.C. 551 et seq.), referred to in subsec. (a)(2), is act Aug. 31, 1954, ch. 1156, 68 Stat. 1009, which is classified generally to chapter 13 (§551 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1975—Subsec. (a)(1). Pub. L. 94–188, §112(1), authorized the Secretary of the Interior to plan and engineer the activities enumerated in this subsection.

Subsec. (a)(2). Pub. L. 94–188, §112(2), substituted ''execute projects for planning, engineering, or extinguishing'' for ''execute projects for extinguishing''.

Subsec. (b). Pub. L. 94–188, §112(3), substituted ''other materials (including, but not limited to, sand, clay, stone, culm, rock, spoil bank and noncombustible materials) and services'' for ''other materials and services''.

Subsec. (c). Pub. L. 94–188, §112(4), substituted provisions relating to indemnification agreements for provisions relating to study and recommendations for reclamation and rehabilitation of strip and surface mining areas.

Subsec. (d). Pub. L. 94–188, §112(5), struck out authorization of appropriation for the two-fiscal-year period ending June 30, 1969 and substituted provisions that the moneys be used for public recreation, conservation, community facilities, or public housing for provisions that the moneys may not be used until authorized by law after completion of the study and report to the President as provided in subsec. (c) of this section.

1971—Subsec. (a)(1). Pub. L. 92–65, §207(a), inserted provisions authorizing contributions to control or abate mine drainage pollution.

Subsec. (b). Pub. L. 92–65, §207(b), struck out fiscal year limitation, and extended the existing 75–25 Federal-State cost sharing ratio for restoration projects, and substituted new formula for the computation of costs.

1969—Subsec. (a)(2). Pub. L. 91–123, §105(a), authorized grants to be made to States for planning, and execution of projects for the extinguishment of underground and outcrop mine fires.

Subsec. (b). Pub. L. 91–123, §105(b), extended the Federal share provisions for mining area restoration programs to fiscal years 1970 and 1971.

1967—Subsec. (a)(1). Pub. L. 90–103, §110(a), authorized contributions to seal and fill voids in abandoned oil and gas wells and substituted ''lands affected by the strip and surface mining and processing of coal and other minerals, including lands affected by waste piles'' for ''existing strip and surface mine areas''.

Subsec. (a)(3). Pub. L. 90–103, §110(b), struck out subsec. (a)(3) which contained an authorization for expansion and acceleration of fish and wildlife restoration projects in the region in accordance with Act Sept. 2, 1937, and Act Aug. 9, 1950, without regard to any provisions therein for apportionments among the States and to limitations on availability of funds, provision for payment of project expenses out of specific appropriations to carry out the Act, and, provisions for disregarding such expenses in computation of apportionments among the States pursuant to other provisions of law.

Subsec. (b). Pub. L. 90–103, §110(c), made the Federal share provisions applicable for fiscal years 1968, and 1969, included as project items reasonable planning and engineering costs, and provided for the non-Federal share of the cost of projects.

Subsec. (d). Pub. L. 90–103, §110(d), substituted provisions for availability of $30,000,000 for two-fiscal-year period ending June 30, 1969, for former provisions for availability of $36,500,000 for period ending June 30, 1967, as provided in former provisions of section 401 of the Act.

§ 206. Water resource survey

(a) The Secretary of the Army is hereby authorized and directed to prepare a comprehensive plan for the development and efficient utilization of the water and related resources of the Appalachian region, giving special attention to the need for an increase in the production of economic goods and services within the region as a means of expanding economic opportunities and thus enhancing the welfare of its people, which plan shall constitute an integral and harmonious component of the regional economic development program authorized by this Act.

(b) This plan may recommend measures for the control of floods, the regulation of the rivers to enhance their value as sources of water supply for industrial and municipal development, the generation of hydroelectric power, the prevention of water pollution by drainage from mines, the development and enhancement of the recreational potentials of the region, the improvement of the rivers for navigation where this would further industrial development at less cost than would the improvement of other modes of transportation, the conservation and efficient utilization of the land resource, and such other measures as may be found necessary to achieve the objectives of this section.

(c) To insure that the plan prepared by the Secretary of the Army shall constitute a harmonious component of the regional program, he shall consult with the Commission and the following: the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Secretary of the Interior, Secretary of Transportation, the Tennessee Valley Authority, and the Federal Power Commission.

(d) The plan prepared pursuant to this section shall be submitted to the Commission. The Commission shall submit the plan to the President with a statement of its views, and the President shall submit the plan to the Congress with his recommendations not later than December 31, 1968.

(e) The Federal agencies referred to in subsection (c) of this section are hereby authorized to assist the Secretary of the Army in the preparation of the plan authorized by this section, and the Secretary of the Army is authorized to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary to the preparation of this plan and on such terms as he may deem appropriate, with any department, agency, or instrumentality of the United States or with any State, or any political subdivision, agency, or instrumentality thereof, or with any person, firm, association, or corporation.

(f) The plan to be prepared by the Secretary of the Army pursuant to this section shall also be coordinated with all comprehensive river basin plans heretofore or hereafter developed by United States study commissions, interagency committees, or similar planning bodies, for those river systems draining the Appalachian region.

(g) Not to exceed $2,000,000 of the funds authorized in section 401 of this Act for the two-fiscal-year period ending June 30, 1969, shall be available to carry out this section.

(Pub. L. 89–4, title II, §206, Mar. 9, 1965, 79 Stat. 15; Pub. L. 89–670, §8(c), Oct. 15, 1966, 80 Stat. 943; Pub. L. 90–103, title I, §111, Oct. 11, 1967, 81 Stat. 261.)

References in Text

This Act, referred to in subsec. (a), means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

Amendments

1967—Subsec. (g). Pub. L. 90–103 substituted provisions for availability of $2,000,000 for two-fiscal-year period ending June 30, 1969, for former provisions for availability of $5,000,000 for period ending June 30, 1967, as provided in former provisions of section 401 of the Act.

1966—Subsec. (c). Pub. L. 89–670 added Secretary of Transportation to list of officers with whom Secretary of the Army is required to consult.

Change of Name

Secretary of Health, Education, and Welfare redesignated Secretary of Health and Human Services by section 3508(b) of Title 20, Education.

Effective Date of 1966 Amendment

Amendment by Pub. L. 89–670 effective Apr. 1, 1967, as prescribed by the President and published in the Federal Register, see section 16(a), formerly §15(a), of Pub. L. 89–670 and Ex. Ord. No. 11340, Mar. 30, 1967, 32 F.R. 5453.

Transfer of Functions

Federal Power Commission terminated and its functions, personnel, property, funds, etc., transferred to

Secretary of Energy (except for certain functions transferred to Federal Energy Regulatory Commission) by sections 7151(b), 7171(a), 7172(a), 7291, and 7293 of Title 42, The Public Health and Welfare.

§ 207. Assistance for proposed low- and middle-income housing projects

(a) In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of low- and moderate-income families and individuals, the Secretary of Housing and Urban Development (hereafter in this section referred to as the ''Secretary'') is authorized to make grants and loans from the Appalachian Housing Fund established by this section, under such terms and conditions as he may prescribe, to nonprofit, limited dividend, or cooperative organizations and public bodies, for planning and obtaining federally insured mortgage financing or other financial assistance for housing construction or rehabilitation projects for low- and moderate-income families and individuals, under section 221 of the National Housing Act, section 8 of the United States Housing Act of 1937, section 515 of the Housing Act of 1949, or any other law of similar purpose administered by the Secretary or any other department, agency, or instrumentality of the Federal or State government, in any area of the Appalachian region determined by the Commission.

(b) No loan under subsection (a) of this section shall exceed 80 per centum of the cost of planning and obtaining financing for a project, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts. Such loans shall be made without interest, except that any loan made to an organization established for profit shall bear interest at the prevailing market rate authorized for an insured or guaranteed loan for such project. The Secretary shall require payments of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of such a loan, if he determines that a permanent loan to finance such project cannot be obtained in an amount adequate for repayment of such loan under this section.

(c)(1) Except as provided in paragraph (2) of this subsection, no grant under this section shall exceed 80 per centum of those expenses, incident to planning and obtaining financing for a project, which the Secretary considers not to be recoverable from the proceeds of any permanent loan made to finance such project, and no such grant shall be made to an organization established for profit.

(2) The Secretary is authorized to make grants and commitments for grants, and may advance funds under such terms and conditions as he may require, to nonprofit, limited dividend, or cooperative organizations and public bodies for reasonable site development costs and necessary offsite improvements, such as sewer and water line extensions, whenever such a grant, commitment, or advance is essential to the economic feasibility of any housing construction or rehabilitation project for low- and moderate-income families and individuals which otherwise meets the requirements for assistance under this section, except that no such grant for the construction of housing, shall exceed 10 per centum of the cost of such project, and no such grant for the rehabilitation of housing shall exceed 10 per centum of the reasonable value of such rehabilitation housing, as determined by the Secretary.

(d) All funds allocated to the Secretary for the purposes of this section shall be deposited in a fund which shall be known as the Appalachian Housing Fund and shall be used as a revolving fund by the Secretary for carrying out such purposes. General expenses of administration of this section may be charged to the fund. Moneys in the fund not needed for current operation may be invested in bonds or other obligations guaranteed as to principal and interest by the United States.

(e) The Secretary or the Commission may provide, or contract with public or private organizations to provide, information, advice, and technical assistance with respect to the construction, rehabilitation, and operation by nonprofit organizations of housing for low or moderate income families in such areas of the region and may provide funds to the States for making grants and loans to nonprofit, limited dividend, or cooperative organizations and public bodies for the purposes for which the Secretary is authorized to provide funds under this section.

(f) Programs and projects assisted under this section shall be subject to the provisions cited in section 402 of this Act, notwithstanding such section, to the extent provided in the laws authorizing assistance for low- and moderate-income housing.

(Pub. L. 89–4, title II, § 207, as added Pub. L. 90–103, title I, § 112, Oct. 11, 1967, 81 Stat. 261; amended Pub. L. 90–448, title II, § 201(f), Aug. 1, 1968, 82 Stat. 502; Pub. L. 91–123, title I, § 106, Nov. 25, 1969, 83 Stat. 215; Pub. L. 92–65, title II, § 208, Aug. 5, 1971, 85 Stat. 169; Pub. L. 94–188, title I, § 113, Dec. 31, 1975, 89 Stat. 1082.)

References in Text

Section 221 of the National Housing Act, referred to in subsec. (a), is classified to section 1715*l* of Title 12, Banks and Banking.

Section 8 of the United States Housing Act of 1937, referred to in subsec. (a), is classified to section 1437f of Title 42, The Public Health and Welfare.

Section 515 of the Housing Act of 1949, referred to in subsec. (a), is classified to 1485 of Title 42.

Section 402 of this Act, referred to in subsec. (f), is section 402 of Pub. L. 89–4, Mar. 9, 1951, 79 Stat. 21, which is set out as section 402 of this Appendix.

Amendments

1975—Subsec. (a). Pub. L. 94–188, § 113(1), substituted reference to section 8 of the United States Housing Act of 1937, section 515 of the Housing Act of 1949, or any other law of similar purpose administered by the Secretary or any other department, agency, or instrumentality of the Federal or State government for reference to section 235, or 236 of the National Housing Act.

Subsec. (c)(2). Pub. L. 94–188, § 113(2), included limited dividend and cooperative organizations in the list of recipients who may receive grants and commitments for

grants and advances, and inserted provisions that no grant for the rehabilitation of housing shall exceed 10 per centum of the reasonable value of such rehabilitation housing as determined by the Secretary.

Subsec. (e). Pub. L. 94–188, § 113(3), inserted provision that the Secretary or the Commission may provide funds to the States for making grants and loans to nonprofit, limited dividend, or cooperative organizations and public bodies for the purposes for which the Secretary is authorized to provide funds under this section.

Subsec. (f). Pub. L. 94–188, § 113(4), added subsec. (f).

1971—Pub. L. 92–65, § 208(a), substituted ''low- and moderate-income housing projects'' for ''housing projects under section 221 and section 236 of the National Housing Act'' in section catchline.

Subsec. (a). Pub. L. 92–65, § 208(b), substituted provisions authorizing grants and loans for planning and obtaining federally insured mortgage financing for housing construction or rehabilitation projects for low- and moderate-income families and individuals, under section 221, 235, or 236 of the National Housing Act, in any area of the Appalachian region determined by the Commission for provisions authorizing grants and loans for expenses of planning and obtaining insured mortgage for housing construction or rehabilitation projects, under section 221 or 236 of the National Housing Act, in any area of the Appalachian region determined by the Commission to have significant potential for future growth.

Subsec. (b). Pub. L. 92–65, § 208(b), redesignated subsec. (c) as (b), substituted ''application and mortgage commitment fees, legal fees'' for ''Federal Housing Administration, Government National Mortgage Association and Federal National Mortgage Association fees'', struck out references to section 221 or 236 in three places, and modified provisions relating to repayment of loans to permit cancellation of all or any part of the loan if the Secretary determines that a permanent loan cannot be obtained in any case except loans to profit-making organizations. Former subsec. (b) redesignated (c)(1) and amended.

Subsec. (c)(1). Pub. L. 92–65, § 208(b), redesignated former subsec. (b) as subsec. (c)(1), extended the 80 percent limitation to expenses incident to planning and obtaining financing for a housing project, and exempted par. (2) from the limitation in par. (1).

Subsec. (c)(2). Pub. L. 92–65, § 208(b), added par. (2).

Subsec. (e). Pub. L. 92–65, § 208(c), extended to the Commission the authority to provide technical assistance for construction, rehabilitation, and operation by nonprofit organizations of low or moderate income housing units.

1969—Subsec. (e). Pub. L. 91–123 substituted provisions that authorized the Secretary to provide technical assistance for construction, rehabilitation, and operation by nonprofit organizations of low- or moderate-income housing units for provisions that authorized to be appropriated an amount not to exceed $5,000,000 of the funds authorized in section 401 of this Act for the two-fiscal-year period ending June 30, 1969 to carry out the purposes of this section.

1968—Pub. L. 90–448, § 201(f)(1), inserted ''and section 236'' in section catchline.

Subsec. (a). Pub. L. 90–448, § 201(f)(2), (3), substituted ''section 221 or section 236 of the National Housing Act'' for ''section 221 of the National Housing Act'', and ''as 'section 221' or 'section 236' '' for ''as section 221''.

Subsec. (b). Pub. L. 90–448, § 201(f)(2), inserted reference to section 236.

Subsec. (c). Pub. L. 90–448, § 201(f)(2), (4), inserted reference to section 236 and included Government National Mortgage Association fees.

§ 208. Appalachian airport safety improvements

(a) In order to provide a system of airports in the Appalachian region which can accommodate a greater number of passengers in safety and thereby increase commerce and communication in areas with developmental potential, the Secretary of Transportation (hereafter in this section referred to as the ''Secretary'') is authorized to make grants to existing airports for the purpose of enhancing the safety of aviation and airport operations.

(b) Such airport safety improvement projects may include (A) approach clearance, the removal, lowering, relocation, and marking and lighting of airport hazards, navigation aids, site preparation for navigation aids, and the acquisition of adequate safety equipment (including firefighting and rescue equipment), and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace which is necessary for such projects or to remove or mitigate or prevent or limit the establishment of, airport hazards.

(c) Grants under this section shall be made solely from funds specifically made available to the President for the purpose of carrying out this Act in accordance with the provisions of this Act, and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provisions of law.

(d) Except as context otherwise indicates, words and phrases used in this section shall have the same meaning as in the Airport and Airway Development Act of 1970 and part A of subtitle VII of title 49.

(e) Federal assistance to any project under this section shall not exceed 90 per centum of the costs of the project, except for assistance for navigation aids which may be 100 per centum.

(f) The Secretary is authorized to incur obligations to make grants for airport safety improvement projects, in a total amount not to exceed $40,000,000 during the period ending June 30, 1975. There are authorized to be appropriated to the President such sums as may be required for liquidation of the obligations incurred under this section.

(Pub. L. 89–4, title II, § 208, as added Pub. L. 92–65, title II, § 205, Aug. 5, 1971, 85 Stat. 168.)

References in Text

This Act, referred to in subsec. (c), means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

The Airport and Airway Development Act of 1970, referred to in subsec. (d), is title I of Pub. L. 91–258, May 21, 1970, 84 Stat. 219, as amended, which was classified principally to chapter 25 (§ 1701 et seq.) of former Title 49, Transportation. Sections 1 to 30 of title I of Pub. L. 91–258, which enacted sections 1701 to 1703, 1711 to 1713, and 1714 to 1730 of former Title 49 and a provision set out as a note underr section 1701 of former Title 49, were repealed by Pub. L. 97–248, title V, § 523(a), Sept. 3, 1982, 96 Stat. 695. Sections 31, 51, 52(a), (b)(4), (6), (c), (d), and 53 of title I of Pub. L. 91–258 were repealed by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation. For complete classification of this Act to the Code, see Tables. For disposition of sections of former Title 49, see Table at the beginning of Title 49.

CODIFICATION

In subsec. (d), ''part A of subtitle VII of title 49'' substituted for ''the Federal Aviation Act of 1958, as amended'' on authority of Pub. L. 103–272, § 6(b), July 5, 1994, 108 Stat. 1378, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation.

RESCISSION OF AUTHORITY TO INCUR OBLIGATIONS TO MAKE GRANTS FOR AIRPORT SAFETY IMPROVEMENT PROJECTS

Pub. L. 93–529, ch. III, Dec. 21, 1974, 88 Stat. 1711, provided in part that: ''The authority to incur obligations provided by subsection (f) of section 208 of the Appalachian Regional Development Act of 1965, as amended (85 Stat. 169, 40 App. U.S.C. 208), is rescinded.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 401 of this Appendix.

PART B—SUPPLEMENTATIONS AND MODIFICATIONS OF EXISTING PROGRAMS

§ 211. Vocational education facilities and vocational and technical education demonstration projects

(a) In order to provide basic facilities to give the people of the region the training and education they need to obtain employment, the Secretary of Education is authorized to make grants for construction of the school facilities and for the equipment and operation of such facilities and other school facilities needed for the provision of vocational education in areas of the region in which such education is not now adequately available. Such grants shall be made in accordance with the provisions of the Carl D. Perkins Vocational Education Act [20 U.S.C. 2301 et seq.], without regard to any provisions therein relating to appropriation authorization ceilings or to allotments among the States. Grants under this section shall be made solely out of funds specifically appropriated for the purpose of carrying out this Act, and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provision of law.

(b)(1) In order to assist in the expansion and improvement of educational opportunities and services for the people of the region, the Secretary of Education is authorized to make grants for planning, construction, equipping, and operating educational projects which will serve to demonstrate areawide education planning, services, and programs, with special emphasis on vocational and technical education, career education, cooperative and recurrent education, guidance and counseling. Projects shall be selected with the involvement of all sectors of the community, including industry and labor. Grants under this section shall be made solely out of funds specifically appropriated for the purposes of this Act and shall not be taken into account in any computation of allotments among the States pursuant to any other law.

(2) No grant for the construction or equipment of any component of an education demonstration project shall exceed 80 per centum of its costs.

(3) Grants under this section for operation of components of education demonstration projects, whether or not constructed by funds authorized by this Act, may be made for up to 100 per centum of the costs thereof for the two-year period beginning on the first day that such component is in operation as a part of the project. For the next three years of operation, such grants shall not exceed 75 per centum of such costs. No grants for operation of education demonstration projects shall be made after five years following the commencement of the initial grant for operation of the project. Notwithstanding section 104 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3134), an education-related facility constructed under title I of that Act may be a component of an education demonstration project eligible for operating grant assistance under this section.

(4) No grant for expenses of planning necessary for the development and operation of an education demonstration project shall exceed 75 per centum of such expenses.

(5) No grant for planning, construction, equipment, or operation of an education demonstration project shall be made unless the facility is publicly owned, but this shall not be deemed to preclude training or on-the-job employment activities away from such facility if the project is administered through a public body.

(6) Any Federal contribution referred to in this section may be provided entirely from funds appropriated to carry out this section, or in combination with funds available under other Federal grant-in-aid programs providing assistance for education-related facilities or services. Notwithstanding any provision of law limiting the Federal share in such programs, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by the applicable paragraph of this subsection.

(Pub. L. 89–4, title II, § 211, Mar. 9, 1965, 79 Stat. 16; Pub. L. 90–103, title I, § 113, Oct. 11, 1967, 81 Stat. 262; Pub. L. 92–65, title II, § 209, Aug. 5, 1971, 85 Stat. 170; Pub. L. 94–188, title I, § 114, Dec. 31, 1975, 89 Stat. 1082; Pub. L. 96–88, title III, § 301, title V, § 507, Oct. 17, 1979, 93 Stat. 677, 692; Pub. L. 98–524, § 4(e)(1), Oct. 19, 1984, 98 Stat. 2489.)

REFERENCES IN TEXT

The Carl D. Perkins Vocational Education Act, referred to in subsec. (a), is Pub. L. 88–210, Dec. 13, 1963, 77 Stat. 403, as amended, known as the Carl D. Perkins Vocational and Applied Technology Education Act, which is classified generally to chapter 44 (§ 2301 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of Title 20 and Tables.

This Act, referred to in subsecs. (a), (b)(1), (3), means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

Section 104 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3134), referred to in subsec. (b)(3), was repealed by Pub. L. 94–188, title I, § 123, Dec. 31, 1975, 89 Stat. 1086.

Title I of that Act, referred to in subsec. (b)(3), means title I of the Public Works and Economic Development Act of 1965, Pub. L. 89–136, Aug. 26, 1965, 79 Stat. 552. Title I of the Public Works and Economic Development Act of 1965 is classified generally to subchapter I (§ 3131

et seq.) of chapter 38 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3121 of Title 42 and Tables.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98–524, § 4(e)(1), substituted ''the Carl D. Perkins Vocational Education Act'' for ''the Vocational Education Act of 1963 (77 Stat. 403)''. As originally enacted, section 4(e)(1) of Pub. L. 98–524 directed that section 113(a) of the Appalachian Regional Development Act of 1965 be so amended but was executed to subsec. (a) of this section as the probable intent of Congress since such Act does not have a section 113 and the language to be substituted for is contained in subsec. (a).

1975—Subsec. (b)(1). Pub. L. 94–188, § 114(1), substituted provisions authorizing the Secretary to make grants for planning, constructions, equipping, and operating educational projects which will serve to demonstrate areawide education planning, services, and programs, with special emphasis on vocational and technical education, career education, cooperative and recurrent education, guidance and counseling for provisions authorizing the Secretary to make such grants for vocational and technical educational projects which will serve to demonstrate areawide educational planning, services, and programs, and inserted provision that projects shall be selected with the involvement of all sectors of the community, including industry and labor.

Subsec. (b)(2). Pub. L. 94–188, § 114(2), substituted ''component of an education'' for ''component of a vocational and technical education''.

Subsec. (b)(3). Pub. L. 94–188, § 114(3), substituted reference to education demonstration projects for reference to vocational and technical education demonstration projects in three places.

Subsec. (b)(4). Pub. L. 94–188, § 114(4), substituted ''operation of an education'' for ''operation of a vocational and technical education''.

Subsec. (b)(5). Pub. L. 94–188, § 114(5), substituted provisions that no grant for planning, construction, equipment, or operation of an education demonstration project shall be made unless the facility is publicly owned, but that this shall not be deemed to preclude training or on-the-job employment activities away from such facility if the project is administered through a public body for provisions that no grant for planning, construction, operation, or equipment of a vocational and technical education demonstration project shall be made unless the facility is publicly owned.

1971—Pub. L. 92–65, § 209(a), inserted ''and vocational and technical education demonstration projects'' in section catchline.

Subsec. (a). Pub. L. 92–65, § 209(b), extended the authority of the Secretary to make grants for the operation of school facilities.

Subsec. (b). Pub. L. 92–65, § 209(c), substituted pars. (1) to (6) for provisions authorizing $26,000,000 for the two-fiscal-year period ending June 30, 1969, out of the total appropriations authorized under section 401 of this Appendix.

1967—Subsec. (a). Pub. L. 90–103, § 113(a), inserted ''and for the equipment of such facilities and other school facilities'' before ''needed,'' in first sentence.

Subsec. (b). Pub. L. 90–103, § 113(b), substituted provisions for availability of $26,000,000 for two-fiscal-year period ending June 30, 1969, for former provisions for availability of $16,000,000 for period ending June 30, 1967, as provided in provisions of section 401 of the Act.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–524 effective for fiscal years beginning on or after Oct. 1, 1984, except as otherwise provided, see section 2 of Pub. L. 98–524, set out as an Effective Date note under section 2301 of Title 20, Education.

TRANSFER OF FUNCTIONS

''Secretary of Education'' substituted for ''Secretary of Health, Education, and Welfare'' in subsec. (a) and for ''Secretary of the Department of Health, Education, and Welfare'' in subsec. (b)(1) pursuant to sections 301 and 507 of Pub. L. 96–88, which are classified to sections 3441 and 3507 of Title 20, Education, and which transferred functions and offices (relating to education) of Secretary and Department of Health, Education, and Welfare to Secretary of Education.

§ 212. Sewage treatment works

(a) In order to provide facilities to assist in the prevention of pollution of the region's streams and to protect the health and welfare of its citizens, the Administrator of the Environmental Protection Agency is authorized to make grants for the construction of sewage treatment works in accordance with the provisions of the Federal Water Pollution Control Act (33 U.S.C. 466 et seq.), without regard to any provisions therein relating to appropriation authorization ceilings or to allotments among the States. Grants under this section shall be made solely out of funds specifically appropriated for the purpose of carrying out this Act, and shall not be taken into account in the computation of the allotments among the States pursuant to any other provision of law.

(b) Not to exceed $6,000,000 of the funds authorized in section 401 of this Act for the two-fiscal-year period ending June 30, 1969, shall be available to carry out this section.

(Pub. L. 89–4, title II, § 212, Mar. 9, 1965, 79 Stat. 16; Pub. L. 90–103, title I, § 114, Oct. 11, 1967, 81 Stat. 262; 1966 Reorg. Plan No. 2, § 1(h)(2), eff. May 10, 1966, 31 F.R. 6857, 80 Stat. 1609; 1970 Reorg. Plan No. 3, § 2(a)(1), eff. Dec. 2, 1970, 35 F.R. 15623, 84 Stat. 2087.)

REFERENCES IN TEXT

The Federal Water Pollution Control Act (33 U.S.C. 466 et seq.), referred to in subsec. (a), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92–500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§ 1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

This Act, referred to in subsec. (a), means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

Section 401 of this Act, referred to in subsec. (b), is section 401 of Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 21, which is set out as section 401 of this Appendix.

AMENDMENTS

1967—Subsec. (b). Pub. L. 90–103 substituted provisions for availability of $6,000,000 for two-fiscal-year period ending June 30, 1969, for former provisions for availability of $6,000,000 for period ending June 30, 1967, as provided in former provisions of section 401 of this Act.

TRANSFER OF FUNCTIONS

Functions of Secretary of the Interior and Department of the Interior administered through Federal Water Quality Administration, functions which were transferred to Secretary of the Interior by Reorg. Plan No. 2 of 1966, eff. May 10, 1966, 31 F.R. 6857, 80 Stat. 1608,

and functions vested in Secretary of the Interior or Department of the Interior by Federal Water Pollution Control Act (see Short Title note set out under section 1251 of Title 33, Navigation and Navigable Waters) transferred to Administrator of Environmental Protection Agency by Reorg. Plan No. 3 of 1970, §2(a)(1), eff. Dec. 2, 1970, 35 F.R. 15623, 84 Stat. 2087, set out in the Appendix to Title 5, Government Organizations and Employees.

Functions of Secretary of Health, Education, and Welfare under this section transferred to Secretary of the Interior, see section 1(h)(2) of Reorg. Plan No. 2 of 1966, eff. May 10, 1966, 31 F.R. 6857, 80 Stat. 1609, set out in the Appendix to Title 5.

§ 213. Amendments to Housing Act of 1954

(a) Section 701(a) of the Housing Act of 1954 (40 U.S.C. 461(a)) is amended by striking the word ''and'' at the end of paragraph (7), by substituting for the period at the end of paragraph (8) the phrase ''; and'', and by adding a new paragraph (9) to read as follows:

> ''(9) the Appalachian Regional Commission, established by the Appalachian Regional Development Act of 1965, for comprehensive planning for the Appalachian region as defined by section 403 of such Act.''

(b) Section 701(b) of the Housing Act of 1954 (40 U.S.C. 461(b)) is amended by adding before the period at the end of the first sentence the following: '', to States participating in planning for Appalachian regional programs, for expenses incurred in the course of such planning, or to the Appalachian Regional Commission''.

(Pub. L. 89–4, title II, §213, Mar. 9, 1965, 79 Stat. 17.)

REFERENCES IN TEXT

Sections 701(a) and 701(b) of the Housing Act of 1954, referred to in text, which was classified to section 461(a) and (b) of Title 40, Public Buildings, Property, and Works, was repealed by Pub. L. 97–35, title III, §313(b), Aug. 13, 1981, 95 Stat. 398.

The Appalachian Regional Development Act of 1965, referred to in subsec. (a), is Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, which is set out in this Appendix. Section 403 of such Act is set out as section 403 of this Appendix. For complete classification of this Act to the Code, see Tables.

§ 214. Supplements to Federal grant-in-aid programs

(a) In order to enable the people, States, and local communities of the region, including local development districts, to take maximum advantage of Federal grant-in-aid programs (as hereinafter defined) for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share, or for which there are insufficient funds available under the Federal grant-in-aid Act authorizing such programs to meet pressing needs of the region, the President is authorized to provide funds to the Federal Cochairman to be used for all or any portion of the basic Federal contribution to projects or activities (hereinafter referred to as projects) under such Federal grant-in-aid programs authorized by Federal grant-in-aid Acts, and for the purpose of increasing the Federal contribution to projects under such programs, as hereafter defined, above the fixed maximum portion of the cost of such projects otherwise authorized by the applicable law. In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant-in-aid program is proposed to be made under this subsection, no such Federal contribution shall be made until the responsible Federal official administering the Federal grant-in-aid Act authorizing such contribution certifies that such program or project meets the applicable requirements of such Federal grant-in-aid Act and could be approved for Federal contribution under such Act if funds were available under such Act for such program or project. Funds may be provided for programs and projects in a State under this subsection only if the Commission determines that the level of Federal and State financial assistance under Acts other than this Act, for the same type of programs or projects in that portion of the State within the region, will not be diminished in order to substitute funds authorized by this subsection. Funds provided pursuant to this Act shall be available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other Act. Any findings, report, certification, or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant-in-aid programs shall be accepted by the Federal Cochairman with respect to a supplemental grant for any project under such program.

(b) The Federal portion of such costs shall not be increased in excess of the percentages established by the Commission, and shall in no event exceed 80 per centum thereof.

(c) The term ''Federal grant-in-aid programs'' as used in this section means those Federal grant-in-aid programs authorized on or before December 31, 1980, by this Act and Acts other than this Act for the acquisition or development of land, the construction or equipment of facilities, or other community or economic development or economic adjustment activities, including but not limited to grant-in-aid programs authorized by the following Acts: Federal Water Pollution Control Act; Watershed Protection and Flood Prevention Act; titles VI and XVI of the Public Health Services Act; Carl D. Perkins Vocational Education Act; Library Services and Construction Act; Federal Airport Act; Airport and Airway Development Act of 1970; part IV of title III of the Communications Act of 1934; title VI (part A) and VII of the Higher Education Act of 1965; Land and Water Conservation Fund Act of 1965; National Defense Education Act of 1958; Consolidated Farm and Rural Development Act; titles I and IX of the Public Works and Economic Development Act of 1965; the housing repair program for homeowners authorized by section 1319 of title 42 United States Code; grants under the Indian Health Service Act (42 Stat. 208); and title I of the Housing and Community Development Act of 1974. The term shall not include (A) the program for the construction of the development highway system authorized by section 201 of this Act or any other program re-

lating to highway or road construction, or (B) any other program for which loans or other Federal financial assistance, except a grant-in-aid program, is authorized by this or any other Act. For the purpose of this section, any sewage treatment works constructed pursuant to section 8(c) of the Federal Water Pollution Control Act without Federal grant-in-aid assistance under such section shall be regarded as if constructed with such assistance.

(d) Not to exceed $97,000,000 of the funds authorized in section 401 of this Act for the two-fiscal-year period ending June 30, 1969, shall be available to carry out this section.

(Pub. L. 89–4, title II, § 214, Mar. 9, 1965, 79 Stat. 17; Pub. L. 90–103, title I, § 116, Oct. 11, 1967, 81 Stat. 263; Pub. L. 91–123, title I, § 107, Nov. 25, 1969, 83 Stat. 215; Pub. L. 91–258, title I, § 52(b)(5), May 21, 1970, 84 Stat. 235; Pub. L. 92–65, title II, § 210, Aug. 5, 1971, 85 Stat. 171; Pub. L. 94–188, title I, § 115, Dec. 31, 1975, 89 Stat. 1083; Pub. L. 96–506, § 3(4), Dec. 8, 1980, 94 Stat. 2746; Pub. L. 98–524, § 4(e)(2), Oct. 19, 1984, 98 Stat. 2489.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (c), means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

The Federal Water Pollution Control Act, referred to in subsec. (c), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92–500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§ 1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

The Watershed Protection and Flood Prevention Act, referred to in subsec. (c), is act Aug. 4, 1954, ch. 656, 68 Stat. 666, as amended, which is classified principally to chapter 18 (§ 1001 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 16 and Tables.

The Public Health Service Act, referred to in subsec. (c), is act July 1, 1944, ch. 373, 58 Stat. 682, as amended. Titles VI and XVI of the Public Health Service Act are classified generally to subchapters IV (§ 291 et seq.) and XIV (§ 300*o* et seq.), respectively, of chapter 6A of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 201 of Title 42 and Tables.

The Carl D. Perkins Vocational Education Act, referred to in subsec. (c), is Pub. L. 88–210, Dec. 18, 1963, 77 Stat. 403, as amended, known as the Carl D. Perkins Vocational and Applied Technology Education Act, which is classified generally to chapter 44 (§ 2301 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of Title 20 and Tables.

The Library Services and Construction Act, referred to in subsec. (c), is act June 19, 1956, ch. 407, 70 Stat. 293, as amended, which is classified generally to chapter 16 (§ 351 et seq.) of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 351 of Title 20 and Tables.

The Federal Airport Act, referred to in subsec. (c), is act May 13, 1946, ch. 251, 60 Stat. 170, which was classified to chapter 14 (§ 1101 et seq.) of former Title 49, Transportation. The Act was repealed by section 52(a) of the Airport and Airway Development Act of 1970 (Pub. L. 91–258, title I, May 21, 1970, 84 Stat. 235).

The Airport and Airway Development Act of 1970, referred to in subsec. (c), is title I of Pub. L. 91–258, May 21, 1970, 84 Stat. 219, as amended, which was classified principally to chapter 25 (§ 1701 et seq.) of former Title 49. Sections 1 to 30 of title I of Pub. L. 91–258, which enacted sections 1701 to 1703, 1711 to 1713, and 1714 to 1730 of former Title 49 and a provision set out as a note underr section 1701 of former Title 49, were repealed by Pub. L. 97–248, title V, § 523(a), Sept. 3, 1982, 96 Stat. 695. Sections 31, 51, 52(a), (b)(4), (6), (c), (d), and 53 of title I of Pub. L. 91–258 were repealed by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation. For complete classification of this Act to the Code, see Tables. For disposition of sections of former Title 49, see Table at the beginning of Title 49.

The Communications Act of 1934, referred to in subsec. (c), is act June 19, 1934, ch. 652, 48 Stat. 1064, as amended. Part IV of title III of the Communications Act of 1934 is classified generally to part IV (§ 390 et seq.) of subchapter III of chapter 5 of Title 47, Telegraphs, Telephones, and Radiotelegraphs. For complete classification of this Act to the Code, see section 609 of Title 47 and Tables.

The Higher Education Act of 1965, referred to in subsec. (c), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1319, as amended. Title VI (part A) and title VII of the Higher Education Act of 1965 are classified generally to Part A (§ 1121 et seq.) of subchapter VI and subchapter VII (§ 1132a et seq.), respectively, of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

The Land and Water Conservation Fund Act of 1965, referred to in subsec. (c), is Pub. L. 88–578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§ 460*l*–4 et seq.) of subchapter LXIX of chapter 1 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*–4 of Title 16 and Tables.

The National Defense Education Act of 1958, referred to in subsec. (c), is Pub. L. 85–864, Sept. 2, 1958, 72 Stat. 1580, as amended, which was classified principally to chapter 17 (§ 401 et seq.) of Title 20, Education, prior to omission from the Code. For complete classification of this Act to the Code, see Tables.

The Consolidated Farm and Rural Development Act, referred to in subsec. (c), is title III of Pub. L. 87–128, Aug. 8, 1961, 75 Stat. 307, as amended, which is classified principally to chapter 50 (§ 1921 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1921 of Title 7 and Tables.

The Public Works and Economic Development Act of 1965, referred to in subsec. (c), is Pub. L. 89–136, Aug. 26, 1965, 79 Stat. 552, as amended. Titles I and IX of the Public Works and Economic Development Act of 1965 are classified generally to subchapters I (§ 3131 et seq.) and IX (§ 3241 et seq.), respectively, of chapter 38 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3121 of Title 42 and Tables.

The Indian Health Service Act (42 Stat. 208), referred to in subsec. (c), is probably a reference to act Nov. 2, 1921, ch. 115, 42 Stat. 208, as amended, which authorized appropriations and expenditures for the administration of Indian affairs and is classified to section 13 of Title 25, Indians. For complete classification of this Act to the Code, see Tables.

The Housing and Community Development Act of 1974, referred to in subsec. (c), is Pub. L. 93–383, Aug. 22, 1974, 88 Stat. 633, as amended. Title I of the Housing and Community Development Act of 1974 is classified principally to chapter 69 (§ 5301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 42 and Tables.

Section 201 of this Act, referred to in subsec. (c), is section 201 of Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 10, which is set out as section 201 of this Appendix.

Section 8(c) of the Federal Water Pollution Control Act, referred to in subsec. (c), is section 8(c) of act June

30, 1948, ch. 758, 62 Stat. 1158, which was set out in section 1158(c) of Title 33, Navigation and Navigable Waters, and was omitted from the Code in the general amendment and revision of the Federal Water Pollution Control Act by Pub. L. 92–500, §2, Oct. 18, 1972, 86 Stat. 816. See section 1281 et seq. of Title 33.

Section 401 of this Act, referred to in subsec. (d), is section 401 of Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 21, which is set out as section 401 of this Appendix.

AMENDMENTS

1984—Subsec. (c). Pub. L. 98–524, §4(e)(2), substituted ''the Carl D. Perkins Vocational Education Act'' for ''the Vocational Education Act of 1963''. As originally enacted, section 4(e)(2) of Pub. L. 98–524 directed that section 114(e) of the Appalachian Regional Development Act of 1965 be so amended but was executed to subsec. (c) of this section as the probable intent of Congress since such act does not have a section 114 and the language to be substituted for is contained in subsec. (c).

1980—Subsec. (c). Pub. L. 96–506 substituted ''December 31, 1980'' for ''December 31, 1978''.

1975—Subsec. (a). Pub. L. 94–188, §115(1), substituted ''portion of the basic Federal contribution to projects or activities (hereinafter referred to as projects) under'' for ''portion of the basic Federal contribution to projects under''.

Subsec. (c). Pub. L. 94–188, §115(2), updated definition of ''Federal grant-in-aid programs'' to include additional Federal grant-in-aid programs as eligible for supplementation.

1971—Subsec. (a). Pub. L. 92–65, §210(a), extended the authority to make basic grants when funds available under a basic Federal grant-in-aid program are insufficient, provided that the Federal official administering the program certifies that the program or project to be funded meets the requirements of the program, on a finding by the Commission that the level of Federal and State assistance to the Appalachian region under other acts will not be diminished by the substitution of funds authorized by this subsection.

Subsec. (c). Pub. L. 92–65, §210(b), substituted ''December 31, 1974'' for ''December 31, 1970''.

1970—Subsec. (c). Pub. L. 91–258 inserted reference to Airport and Airway Development Act of 1970.

1969—Subsec. (c). Pub. L. 91–123 substituted ''December 31, 1970'' for ''December 31, 1967'', and provided that for the purposes of this section any sewage treatment works constructed pursuant to section 8(c) of the Federal Water Pollution Control Act be regarded as having been constructed with funds provided under this section.

1967—Subsec. (a). Pub. L. 90–103 substituted authorization of the President to provide funds to the Federal Cochairman for former authorization of the Secretary of Commerce, pursuant to specific recommendations of the Commission approved by him and after consultation with the appropriate Federal officials, to allocate funds appropriated to carry out this section to the heads of the departments, agencies, and instrumentalities of the Federal Government responsible for the administration of Federal grant-in-aid programs, and provided for the acceptance by the Federal Cochairman, with respect to a supplemental grant for any project under the program, of any finding, report, certification, or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for administration of any Federal grant-in-aid program.

Subsec. (b). Pub. L. 90–103 substituted ''established by the Commission, and shall in no event exceed 80 per centum thereof'' for ''established by regulations promulgated by the Secretary of Commerce, and such regulations shall in no event authorize the Federal portion of such costs to exceed 80 per centum thereof''.

Subsec. (c). Pub. L. 90–103 substituted ''on or before December 31, 1967,'' and ''acquisition of land or the construction'' for ''on or before the effective date of this Act'' and ''acquisition of land and the construction''.

Subsec. (d). Pub. L. 90–103 substituted provisions for availability of $97,000,000 for two-fiscal-year period ending June 30, 1969, for former provisions for availability of $90,000,000 for period ending June 30, 1967, as provided in former provisions of section 401 of the Act.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–524 effective for fiscal years beginning on or after Oct. 1, 1984, except as otherwise provided, see section 2 of Pub. L. 98–524, set out as an Effective Date note under section 2301 of Title 20, Education.

PART C—GENERAL PROVISIONS

§ 221. Maintenance of effort

No State and no political subdivision of such State shall be eligible to receive benefits under this Act unless the aggregate expenditures of State funds, exclusive of expenditures for participation in the Dwight D. Eisenhower System of Interstate and Defense Highways, and exclusive of local funds and Federal funds, for the benefit of the area within the State located in the region are maintained at a level which does not fall below the average level of such expenditures for its last two full fiscal years preceding the date of enactment of this Act. In computing the average level of expenditure for its last two fiscal years, a State's past expenditure for participation in the Dwight D. Eisenhower System of Interstate and Defense Highways and expenditures of local funds and Federal funds shall not be included. The Commission shall recommend to the President or such Federal officer or officers as the President may designate, a lesser requirement when it finds that a substantial population decrease in that portion of a State which lies within the region would not justify a State expenditure equal to the average level of the last two years or when it finds that a State's average level of expenditure, within an individual program, has been disproportionate to the present need for that portion of the State which lies within the region.

(Pub. L. 89–4, title II, §221, Mar. 9, 1965, 79 Stat. 18; Pub. L. 90–103, title I, §117, Oct. 11, 1967, 81 Stat. 263; Pub. L. 101–427, Oct. 15, 1990, 104 Stat. 927.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, known as the Appalachian Regional Development Act of 1965, as amended, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

The date of enactment of this Act, referred to in text, is Mar. 9, 1965, the date of approval of Pub. L. 89–4.

AMENDMENTS

1990—Pub. L. 101–427 substituted ''Dwight D. Eisenhower System of Interstate and Defense Highways'' for ''National System of Interstate and Defense Highways'' in two places.

1967—Pub. L. 90–103 included as exclusions in first sentence expenditures for participation in the National System of Interstate and Defense Highways and local funds and in second sentence expenditures of local funds.

§ 222. Consent of States

Nothing contained in this Act shall be interpreted as requiring any State to engage in or accept any program under this Act without its consent.

(Pub. L. 89–4, title II, § 222, Mar. 9, 1965, 79 Stat. 18.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

§ 223. Program implementation

No program or project authorized under any section of this title shall be implemented until (1) applications and plans relating to the program or project have been determined by the responsible Federal official to be not incompatible with the provisions and objectives of Federal laws which he administers that are not inconsistent with this Act, and (2) the Commission has approved such program or project and has determined that it meets the applicable criteria under section 224 of this Act and the requirements of the development planning process under section 225, and will contribute to the development of the region, which determination shall be controlling and which shall be accepted by the Federal agencies.

(Pub. L. 89–4, title II, § 223, Mar. 9, 1965, 79 Stat. 18; Pub. L. 90–103, title I, § 118, Oct. 11, 1967, 81 Stat. 264; Pub. L. 94–188, title I, § 116, Dec. 31, 1975, 89 Stat. 1083.)

REFERENCES IN TEXT

This title, referred to in text, means title II of Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 10, as amended, which is set out in title II (§ 201 et seq.) of this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

This Act, referred to in text, means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

Section 224 of this Act and section 225, referred to in text, are section 224 of Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 18, and section 225 of Pub. L. 89–4 as added by Pub. L. 94–188, title I, § 118, Dec. 31, 1975, 89 Stat. 1084, which are set out as sections 224 and 225 of this Appendix.

AMENDMENTS

1975—Pub. L. 94–188 substituted in cl. (1), ''to be not incompatible with'' for ''to be compatible with'', and in cl. (2), inserted reference to the requirements of the development planning process under section 225, and inserted provision that such determination shall be accepted by the Federal agencies.

1967—Pub. L. 90–103 substituted in cl. (1) provisions for determination of compatibility of program or project applications and plans with Federal laws for former provisions for consultations of Commission with State officials securing their recommendations and in cl. (2) provisions for program or project approval by the Commission and controlling determination of meeting or requisite criteria for former provisions for recommendation of plans by the Commission and submission thereof for Executive approval or modification.

DISCRIMINATION BASED ON SEX PROHIBITED IN PROGRAMS UNDER APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

Pub. L. 92–65, title II, § 214, Aug. 5, 1971, 85 Stat. 173, provided: ''No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Appalachian Regional Development Act of 1965 [this Appendix].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 202 of this Appendix.

§ 224. Program development criteria

(a) In considering programs and projects to be given assistance under this Act, and in establishing a priority ranking of the requests for assistance presented to the Commission, the Commission shall follow procedures that will insure consideration of the following factors:

(1) the relationship of the project or class of projects to overall regional development including its location in an area determined by the State have a significant potential for growth;

(2) the population and area to be served by the project or class of projects including the relative per capita income and the unemployment rates in the area;

(3) the relative financial resources available to the State or political subdivisions or instrumentalities thereof which seek to undertake the project;

(4) the importance of the project or class of projects in relation to other projects or classes of projects which may be in competition for the same funds;

(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic and social development of the area served by the project.

(b) No financial assistance shall be authorized under this Act to be used (1) to assist establishments relocating from one area to another; (2) to finance the cost of industrial plants, commercial facilities, machinery, working capital, or other industrial facilities or to enable plant subcontractors to undertake work theretofore performed in another area by other subcontractors or contractors; (3) to finance the cost of facilities for the generation, transmission, or distribution of electric energy; or (4) to finance the cost of facilities for the production, transmission, or distribution of gas (natural, manufactured, or mixed).

(c) Funds may be provided for programs and projects in a State under this Act only if the Commission determines that the level of Federal and State financial assistance under Acts other than this Act for the same type of programs or projects in that portion of the State within the region, will not be diminished in order to substitute funds authorized by this Act.

(Pub. L. 89–4, title II, § 224, Mar. 9, 1965, 79 Stat. 18; Pub. L. 90–103, title I, § 119, Oct. 11, 1967, 81

Stat. 264; Pub. L. 94–188, title I, §117, Dec. 31, 1975, 89 Stat. 1084.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

AMENDMENTS

1975—Subsec. (c). Pub. L. 94–188 added subsec. (c).

1967—Subsec. (a). Pub. L. 90–103, §119(a), substituted ''In considering'' for ''In developing recommendations on the'' and struck out ''within those recommendations'' before ''a priority ranking''.

Subsec. (b)(1). Pub. L. 90–103, §119(b), substituted ''to assist establishments relocating'' for ''in relocating any establishment or establishments''.

WAIVER OF RESTRICTIONS ON USE OF APPROPRIATED FUNDS; USE OF ENERGY ENTERPRISE LOAN FUNDS

Pub. L. 100–202, §101(d) [title IV, §401], Dec. 22, 1987, 101 Stat. 1329–127, provided in part: ''That after the date of enactment of this resolution [Dec. 22, 1987], appropriations for Appalachian regional programs in this or any other Act may be used for the purposes of the Appalachian Regional Development Act [this Appendix] without regard to section 224(b)(2), (3), and (4) of that Act [40 App. U.S.C. 224(b)(2), (3), and (4)] and funds in energy enterprise loan funds may be reapproved by the Commission for similar uses.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 223, 302 of this Appendix.

§ 225. Appalachian State development planning process

(a) Pursuant to policies established by the Commission, each State member shall submit on such schedule as the Commission shall prescribe a development plan for the area of the State within the region. The State development plan shall reflect the goals, objectives, and priorities identified in the regional development plan and in any subregional development plan which may be approved for the subregion of which such State is a part. Such State development plan shall (1) describe the State organization and continuous process for Appalachian development planning, including the procedures established by the State for the participation of local development districts in such process, the means by which such process is related to overall statewide planning and budgeting processes, and the method of coordinating planning and projects in the region under this Act, the Public Works and Economic Development Act of 1965, and other Federal, State, and local programs; (2) set forth the goals, objectives, and priorities of the State for the region, as determined by the Governor, and identify the needs on which such goals, objectives, and priorities are based; and (3) describe the development program for achieving such goals, objectives, and priorities, including funding sources, and recommendations for specific projects to receive assistance under this Act.

(b)(1) Local development districts certified by the State under section 301 of this Act provide the linkage between State and substate planning and development. In carrying out the development planning process, including the selection of programs and projects for assistance, States shall consult with local development districts, local units of government, and citizen groups and take into consideration the goals, objectives, priorities, and recommendations of such bodies. The districts shall assist the States in the coordination of areawide programs and projects, and may prepare and adopt areawide plans or action programs.

(2) The Commission shall encourage the preparation and execution of areawide action programs which specify interrelated projects and schedules of actions together with the necessary agency fundings and other commitments to implement such programs. Such programs shall make appropriate use of existing plans affecting the area.

(c) To the maximum extent practicable, Federal departments, agencies, and instrumentalities undertaking or providing financial assistance for programs or projects in the region shall (1) take into account the policies, goals, and objectives established by the Commission and its member States pursuant to this Act; (2) recognize Appalachian State development programs approved by the Commission as satisfying requirements for overall economic development planning under such programs or projects; and (3) accept the boundaries and organization of any local development district certified under this Act which the Governor may designate as the areawide agency required under any such program undertaken or assisted by such Federal departments, agencies, and instrumentalities.

(Pub. L. 89–4, title II, §225, as added Pub. L. 94–188, title I, §118, Dec. 31, 1975, 89 Stat. 1084.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (c), means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

The Public Works and Economic Development Act of 1965, referred to in subsec. (a), is Pub. L. 89–136, Aug. 26, 1965, 79 Stat. 552, as amended, which is classified principally to chapter 38 (§3121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3121 of Title 42 and Tables.

Section 301 of this Act, referred to in subsec. (b)(1), is section 301 of Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 19, which is set out as section 301 of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 223 of this Appendix.

TITLE III—ADMINISTRATION

TITLE REFERRED TO IN OTHER SECTIONS

This title is referred to in title 42 section 3232.

§ 301. Local development districts; certification

For the purposes of this Act, a ''local development district'' shall be an entity certified to the Commission either by the Governor of the State or States in which such entity is located, or by

the State officer designated by the appropriate State law to make such certification, as having a charter or authority that includes the economic development of counties or parts of counties or other political subdivisions within the region. No entity shall be certified as a local development district for the purposes of this Act unless it is one of the following:

(1) a nonprofit incorporated body organized or chartered under the law of the State in which it is located;

(2) a nonprofit agency or instrumentality of a State or local government;

(3) a nonprofit agency or instrumentality created through an interstate compact; or

(4) a nonprofit association or combination of such bodies, agencies, and instrumentalities.

(Pub. L. 89–4, title III, § 301, Mar. 9, 1965, 79 Stat. 19.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 225 of this Appendix.

§ 302. Administrative expenses and research and demonstration projects

(a) The President is authorized—

(1) to make grants to the Commission for administrative expenses, including the development of areawide plans or action programs and technical assistance activities, of local development districts, but (A) the amount of any such grant shall not exceed 75 per centum of such expenses, (B) no grants for administrative expenses shall be made for a State agency certified as a local development district for a period in excess of three years beginning on the date the initial grant is made for such development district, and (C) the local development district contributions for administrative expenses may be in cash or in kind, fairly evaluated, including but not limited to space, equipment, and services;

(2) to make grants to the Commission for assistance to States for a period not in excess of two years to strengthen the State development planning process for the region and the coordination of State planning under this Act, the Public Works and Economic Development Act of 1965, as amended, and other Federal and State programs; and

(3) to make grants to the Commission 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 such activities, which will further the purposes of this Act. Grant funds may be provided entirely from appropriations to carry out this section or in combination with funds available under other Federal or Federal grant-in-aid programs or from any other source. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share, as the Commission determines appropriate.

(b)(1) Notwithstanding the provisions of section 224(b)(2), (3), or (4), 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. No more than $3,000,000 shall be obligated for such energy resource related demonstrations in any fiscal year, and no more than $2,500,000 shall be obligated for such indigenous arts and crafts demonstrations.

(2) In carrying out the purposes of this Act, including section 2(b), 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 such assistance as the Federal Cochairman may request.

(3) The Commission shall conduct a study and report on the status of Appalachian migrants in the destinations to which they have migrated, current migration patterns and implications, and the impact which the Commission program has had, and the potential for such impact, on out-migration and the welfare of Appalachian migrants. The Commission is authorized to conduct pilot projects and demonstrations within the region in connection with such study.

(4) The Commission shall conduct a study of physical hazards which are constraints on land use in the Appalachian region (with emphasis on mudslides, landslides, sink holes, and subsidence) and the risks associated with such hazards. To the extent practicable, such study shall identify high-risk hazard areas throughout the Appalachian region. The Commission shall submit its report on such study, together with recommendations for means to remove or avoid such constraints on land use, to the Congress not later than twenty-four months after the enactment of this paragraph.

(c)(1) The Commission shall, as required by the President, maintain accurate and complete records of transactions and activities financed with Federal funds and report thereon to the President. The records of the Commission shall be available for audit with respect to such grants by the President and the Comptroller General or their duly authorized representatives.

(2) Recipients of Federal assistance under the provisions of this section shall, as required by the Commission, maintain accurate and complete records of transactions and activities financed with Federal funds and report thereon to the Commission. Such records shall be available for audit by the President, the Comptroller General, and the Commission or their duly authorized representatives.

(d) Not to exceed $11,000,000 of the funds authorized in section 401 of this Act for the two-fiscal-year period ending June 30, 1969, shall be available to carry out this section. Not to exceed $3,000,000 of such authorization shall be available for the purposes of subsection (b).

(e) No part of any appropriated funds may be expended pursuant to authorization given by this Act involving any scientific or technological research or development activity unless such expenditure is conditioned upon provisions effective to insure that all information, copyrights, uses, processes, patents, and other developments resulting from that activity will be made freely available to the general public. Nothing contained in this subsection shall deprive the owner of any background patent relating to any such activity, without his consent, of any right which that owner may have under that patent. Whenever any information, copyright, use, process, patent or development resulting from any such research or development activity conducted in whole or in part with appropriated funds expended under authorization of this Act is withheld or disposed of by any person, organization, or agency in contravention of the provisions of this subsection, the Attorney General shall institute, upon his own motion or upon request made by any person having knowledge of pertinent facts, an action for the enforcement of the provisions of this subsection in the district court of the United States for any judicial district in which any defendant resides, is found, or has a place of business. Such court shall have jurisdiction to hear and determine such action, and to enter therein such orders and decrees as it shall determine to be required to carry into effect fully the provisions of this subsection. Process of the district court for any judicial district in any action instituted under this subsection may be served in any other judicial district of the United States by the United States marshal thereof. Whenever it appears to the court in which any such action is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned from any judicial district of the United States.

(Pub. L. 89–4, title III, §302, Mar. 9, 1965, 79 Stat. 19; Pub. L. 90–103, title I, §120, Oct. 11, 1967, 81 Stat. 264; Pub. L. 91–123, title I, §108, Nov. 25, 1969, 83 Stat. 215; Pub. L. 92–65, title II, §211, Aug. 5, 1971, 85 Stat. 172; Pub. L. 94–188, title I, §119, Dec. 31, 1975, 89 Stat. 1085; Pub. L. 95–91, title III, §301(a), title VII, §§703, 707, Aug. 4, 1977, 91 Stat. 577, 606, 607.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(2), (3), (b)(2), and (e), means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

The Public Works and Economic Development Act of 1965, referred to in subsec. (a)(2), is Pub. L. 89–136, Aug. 26, 1965, 79 Stat. 552, as amended, which is classified generally to chapter 38 (§3121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3121 of Title 42 and Tables.

Section 224, referred to in subsec. (b)(1), is section 224 of Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 18, which is set out as section 224 of this Appendix.

Section 2(b), referred to in subsec. (b)(2), is section 2 of Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, which is set out as section 2 of this Appendix.

The enactment of this paragraph, referred to in subsec. (b)(4), is the date of enactment of Pub. L. 94–188, which was approved Dec. 31, 1975.

Section 401 of this Act, referred to in subsec. (d), is section 401 of Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 21, which is set out as section 401 of this Appendix.

AMENDMENTS

1975—Subsec. (a)(1). Pub. L. 94–188, §119(1), substituted ''including the development of areawide plans or action programs and technical assistance activities'' for ''including technical services''.

Subsec. (a)(2), (3). Pub. L. 94–188, §119(2), added par. (2) and redesignated former par. (2) as (3).

Subsec. (b). Pub. L. 94–188, §119(3), substituted provisions permitting the Commission to provide assistance for projects relating to the development of energy resources and the development and stimulation of indigenous arts and crafts of the region, that no more than $3,000,000 shall be obligated for such energy resource related demonstrations in any fiscal year and that no more than $2,500,000 shall be obligated for such indigenous arts and crafts demonstrations, requiring cooperation among federal agencies, requiring the Commission to study, report, and make recommendations to Congress for removal of constraints on land use within twenty-four months after Dec. 31, 1975, for provisions authorizing the Commission to make a survey and study of acid pollution in the region from mining activities and the effects of such pollution, and requiring the President to make a report and recommendations to Congress not later than Mar. 31, 1969.

1971—Subsec. (a)(2). Pub. L. 92–65 extended the authority of the President to make grants for evaluations, assessment of needs, potentials, or attainments of the people of the region, and for construction of facilities, and further provided that grants may be made from appropriations under this Appendix or otherwise, and that funds appropriated to carry out this section may be used to increase the Federal share at the discretion of the Commission.

1969—Subsec. (a)(1)(B). Pub. L. 91–123 prohibited the President from making grants for administrative expenses of a State certified agency.

1967—Subsec. (a). Pub. L. 90–103 substituted authorization of the President to make grants to the Commission in pars. (1) and (2) for former authorization of Secretary of Commerce to make grants in par. (1) either directly or through arrangements with the Commission and to provide funds in par. (2) either directly or through arrangements with appropriate public or private organizations (including the Commission), authorized grants for technical services in par. (1), designated existing provisions of cls. (A) to (C), striking out from cl. (A) the limitation of amount of grants to any one fiscal year, and authorized grants for technical assistance and training programs in par. (2).

Subsec. (b). Pub. L. 90–103 added subsec. (b). Former subsec. (b) redesignated subsec. (c)(2).

Subsec. (c). Pub. L. 90–103 added par. (1) and redesignated former subsec. (b) as par. (2), substituting ''as required by the Commission'' for ''an accordance with regulations to be promulgated by the Secretary of Commerce'' and ''Commission'' for ''Secretary of Commerce'' in two places, and provided for audit by the President. Former subsec. (c) redesignated (d).

Subsecs. (d), (e). Pub. L. 90–103 redesignated former subsec. (c) as (d), substituted provisions for availability of $11,000,000 for two-fiscal-year period ending June 30, 1969, for former provisions for availability of $5,500,000 for period ending June 30, 1967, as provided in former provisions of section 401 of the Act, and limited funds

available for purposes of subsec. (b) to $3,000,000. Former subsec. (d) redesignated (e).

TRANSFER OF FUNCTIONS

''Secretary of Energy'' substituted for ''Federal Energy Administration, the Energy Research and Development Administration'' in subsec. (b)(2) pursuant to sections 301(a), 703, and 707 of Pub. L. 95–91, which are classified to sections 7151(a), 7293, and 7297 of Title 42, The Public Health and Welfare, and which terminated Federal Energy Administration and Energy Research and Development Administration and transferred their functions (with certain exceptions) to Secretary of Energy.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 35 section 210.

§ 303. Approval of development plans, investment programs, and projects

State and Regional Development Plans and implementing investment programs, and any multistate subregional plans which may be developed, shall be annually reviewed and approved by the Commission in accordance with section 101(b) of this Act. An application for a grant or for any other assistance for a specific project under this Act shall be made through the State member of the Commission representing such applicant, and such State member shall evaluate the application for approval. Only applications for grants or other assistance for specific projects shall be approved which are certified by the State member and determined by the Federal Cochairman to implement the Commission-approved State development plan; to be included in the Commission-approved implementing investment program; to have adequate assurance that the project will be properly administered, operated, and maintained; and to otherwise meet the requirements for assistance under this Act. After the approval of the appropriate State development plan and implementing investment program, certification by a State member of an application for a grant or other assistance for a specific project pursuant to this section shall, when joined by an affirmative vote of the Federal Cochairman for such project, be deemed to satisfy the requirements for affirmative votes for decisions under section 101(b) of this Act.

(Pub. L. 89–4, title III, § 303, Mar. 9, 1965, 79 Stat. 20; Pub. L. 90–103, title I, § 121, Oct. 11, 1967, 81 Stat. 265; Pub. L. 94–188, title I, § 120, Dec. 31, 1975, 89 Stat. 1086.)

REFERENCES IN TEXT

Section 101(b) of this Act, referred to in text, is section 101(b) of Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 6, which is set out as section 101(b) of this Appendix.

This Act, referred to in text, means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

AMENDMENTS

1975—Pub. L. 94–188 substantially reenacted this section, made the regional development planning process under section 101(b) of this Act applicable to procedure for approval by the Commission of State development plans, regional development plans, and implementing investment programs, and further provided that once a State development plan is approved, the submission and approval of a project by a State, when joined by an affirmative vote of the Federal Cochairman for such project, shall be deemed to satisfy the requirements for affirmative votes for decisions under section 101(b) of this Act.

1967—Pub. L. 90–103 prohibited approval by the Commission unless the Commission is satisfied that the project will be properly administered, operated, and maintained and struck out provision that application for a grant be made only by a State, a political subdivision of a State, or a local development district.

SECTIONS REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 101, 202 of this Appendix.

§ 304. Annual report

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

(Pub. L. 89–4, title III, § 304, Mar. 9, 1965, 79 Stat. 20.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

TITLE IV—APPROPRIATIONS AND MISCELLANEOUS PROVISIONS

§ 401. Authorization of appropriations; limitation on use of funds

In addition to the appropriations authorized in section 105 for administrative expenses, in section 201 for the Appalachian Development Highway System and Local Access Roads, and in section 208 for Appalachian Airport Safety Improvements, there is hereby authorized to be appropriated to the President, to be available until expended, to carry out this Act, $268,500,000 for the two-fiscal-year period ending June 30, 1971; $282,000,000 for the two-fiscal-year period ending June 30, 1973; and $294,000,000 for the two-fiscal-year period ending June 30, 1975. In addition to the appropriations authorized in section 105 for administrative expenses, and in section 201(g) for the Appalachian development highway system and local access roads, there is authorized to be appropriated to the President, to be available until expended, to carry out this Act, $340,000,000 for the period beginning July 1, 1975, and ending September 30, 1977, and $300,000,000 for the two-fiscal year period ending September 30, 1979, and $300,000,000 for the two-fiscal-year period ending September 30, 1981, and $50,000,000 for the fiscal year ending September 30, 1982. No part of the sums authorized in this section for the fiscal year ending September 30, 1982, shall be obligated for any project unless such project was undertaken with funds obligated in a previous fiscal year or is a capital project which

was originally approved for funding in fiscal year 1981 and can be started and completed with funds authorized for fiscal year 1982.

(Pub. L. 89–4, title IV, § 401, Mar. 9, 1965, 79 Stat. 21; Pub. L. 90–103, title I, § 122, Oct. 11, 1967, 81 Stat. 266; Pub. L. 91–123, title I, § 109, Nov. 25, 1969, 83 Stat. 215; Pub. L. 92–65, title II, § 212, Aug. 5, 1971, 85 Stat. 172; Pub. L. 94–188, title I, § 121, Dec. 31, 1975, 89 Stat. 1086; Pub. L. 96–506, § 3(5), Dec. 8, 1980, 94 Stat. 2746; Pub. L. 97–35, title XVIII, § 1822(a)(3), (4), Aug. 13, 1981, 95 Stat. 767.)

REFERENCES IN TEXT

Sections 105, 201, and 208, referred to in text, are sections 105 and 201 of Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 8, 10, and section 208 of Pub. L. 89–4 as added by Pub. L. 92–65, title II, § 205, Aug. 5, 1971, 85 Stat. 168, which are set out as sections 105, 201, and 208 of this Appendix.

This Act, referred to in text, means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

AMENDMENTS

1981—Pub. L. 97–35 substituted ''$50,000,000'' for ''$140,000,000'' and inserted provisions respecting obligation of sums authorized for the fiscal year ending Sept. 30, 1982.

1980—Pub. L. 96–506 inserted provisions authorizing appropriations of $300,000,000 for the two-fiscal-year period ending Sept. 30, 1981, and $140,000,000 for the fiscal year ending Sept. 30, 1982.

1975—Pub. L. 94–188 inserted provisions authorizing additional appropriations for the period beginning July 1, 1975 and ending Sept. 30, 1977, and for the two-fiscal-year period ending Sept. 30, 1979.

1971—Pub. L. 92–65 inserted reference to section 208, authorized appropriation of $282,000,000 for the two-fiscal-year period ending June 30, 1973, and $294,000,000 for the two-fiscal-year period ending June 30, 1975, and struck out provisions limiting to certain amounts the funds allotted to be used in carrying out specified sections.

1969—Pub. L. 91–123 authorized appropriations in an amount not to exceed $268,500,000 for the two-fiscal-year period ending June 30, 1971, and designated specific amounts of the authorization to carry out the purposes of enumerated sections.

1967—Pub. L. 90–103 inserted reference to appropriation authorization in section 105 and for local access roads, made the appropriation to the President, and substituted provisions for availability of $170,000,000 for two-fiscal-year period ending June 30, 1969, for former provisions for availability of $252,400,000 for period ending June 30, 1967.

APPROPRIATIONS

Provisions appropriating funds to carry out programs authorized by the Appalachian Regional Development Act of 1965, which is set out in this Appendix, notwithstanding section 405 of this Appendix, were contained in the following appropriation acts:

Pub. L. 104–46, title IV, Nov. 13, 1995, 109 Stat. 416.
Pub. L. 103–316, title IV, Aug. 26, 1994, 108 Stat. 1720.
Pub. L. 103–126, title IV, Oct. 28, 1993, 107 Stat. 1331.
Pub. L. 102–377, title IV, Oct. 2, 1992, 106 Stat. 1339.
Pub. L. 102–104, title IV, Aug. 17, 1991, 105 Stat. 533.
Pub. L. 101–514, title IV, Nov. 5, 1990, 104 Stat. 2095.
Pub. L. 101–101, title IV, Sept. 29, 1989, 103 Stat. 663.
Pub. L. 100–371, title IV, July 19, 1988, 102 Stat. 871.
Pub. L. 100–202, § 101(d) [title IV], Dec. 22, 1987, 101 Stat. 1329–104, 1329–127.
Pub. L. 99–500, § 101(e) [title IV], Oct. 18, 1986, 100 Stat. 1783–194, 1783–210, and Pub. L. 99–591, § 101(e) [title IV], Oct. 30, 1986, 100 Stat. 3341–194, 3341–210.
Pub. L. 99–141, title IV, Nov. 1, 1985, 99 Stat. 577.
Pub. L. 98–360, title IV, July 16, 1984, 98 Stat. 418.
Pub. L. 98–50, title IV, July 14, 1983, 97 Stat. 259.
Pub. L. 97–377, title I, § 101(f), Dec. 21, 1982, 96 Stat. 1906.
Pub. L. 97–88, title IV, Dec. 4, 1981, 95 Stat. 1146.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 203, 204, 206, 211, 212, 214, 302 of this Appendix.

§ 402. Applicable labor standards

All laborers and mechanics employed by contractors or subcontractors in the construction, alteration, or repair, including painting and decorating, of projects, buildings, and works which are financially assisted through the Federal funds authorized under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5). The Secretary of Labor shall have with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

(Pub. L. 89–4, title IV, § 402, Mar. 9, 1965, 79 Stat. 21.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

The Davis-Bacon Act, as amended, referred to in text, is act Mar. 3, 1931, ch. 411, 46 Stat. 1494, as amended, which is classified generally to sections 276a to 276a–5 of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 276a of Title 40 and Tables.

Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267), referred to in text, is Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, which is set out in the Appendix to Title 5, Government Organization and Employees.

Section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)), referred to in text, probably means section 276c of Title 40, Public Buildings, Property, and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 207 of this Appendix.

§ 403. Definition of Appalachian region

As used in this Act, the term ''Appalachian region'' or ''the region'' means that area of the eastern United States consisting of the following counties (including any political subdivision located within such area):

In Alabama, the counties of Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Colbert, Coosa, Cullman, De Kalb, Elmore, Etowah, Fayette, Franklin, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Mor-

gan, Pickens, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker, and Winston;

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

In Kentucky, the counties of Adair, Bath, Bell, Boyd, Breathitt, Carter, Casey, Clark, Clay, Clinton, Cumberland, Elliott, Estill, Fleming, Floyd, Garrard, Green, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Menifee, Monroe, Montogomery,[1] Morgan, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Rowan, Russell, Wayne, Whitley, and Wolfe;

In Maryland, the counties of Allegany, Garrett, and Washington;

In Mississippi, the counties of Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Kemper, Lee, Lowndes, Marshall, Monroe, Noxubee, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union, Webster, and Winston;

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

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;

In Ohio, the counties of Adams, Athens, Belmont, Brown, Carroll, Clermont, Columbiana, Coshocton, Gallia, Guernsey, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Tuscarawas, Vinton, and Washington;

In Pennsylvania, the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Fayette, Forest, 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;

In South Carolina, the counties of Anderson, Cherokee, Greenville, Oconee, Pickens, and Spartanburg;

In Tennessee, the counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Cannon, Carter, Claiborne, Clay, Cocke, Coffee, Cumberland, De Kalb, Fentress, Franklin, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, McMinn, Macon, Marion, Megs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Sevier, Smith, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, and White;

In Virginia, the counties of Alleghany, Bath, Bland, Botetourt, Buchanan, Carroll, Craig, Dickenson, Floyd, Giles, Grayson, Highland, Lee, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe;

All the counties of West Virginia.

No recommendation for any change in the definition of the Appalachian region as set forth in this section shall be proposed or considered by the Commission without a prior resolution by the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives, directing a study of such change.

The President is authorized and directed to make a study of the extent to which portions of upper New York State which are geographically part of the New England region or the Appalachian region and share the social and economic characteristics thereof should be included in either of such regions. He shall submit the results of such study together with his recommendations to Congress not later than June 30, 1970.

(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.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

AMENDMENTS

1994—Pub. L. 103–437, in penultimate par., substituted ''Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives'' for ''Committee on Public Works of the Senate or of the House of Representatives''.

1991—Pub. L. 102–240 inserted ''Calhoun,'' after ''Benton,'' in listing of counties in Mississippi.

1990—Pub. L. 101–434 inserted ''Columbiana,'' after ''Carroll, Clermont,'' in listing of counties in Ohio.

1969—Pub. L. 91–123 authorized and directed the President to make a study of the upper portions of New York State to determine which are geographically part of the New England region or the Appalachian region, and share similar socio-economic characteristics of either of such regions, and provided that the results of this study be submitted to Congress no later than June 30, 1970.

1967—Pub. L. 90–103 included the counties of Lamar and Pickens in Alabama, the counties of Mississippi and New York, and the county of Cannon in Tennessee, prohibited future changes in the regional definition

[1] So in original.

without prior request of Congress, and struck out, as executed, provision for consultation between Commission and Governor of New York leading to participation and inclusion of counties of New York in the region.

CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102–240, set out as a note under section 104 of Title 23, Highways.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 23 section 143; title 33 section 1257.

§ 404. Severability

If any provision of this Act, or the applicability thereof to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

(Pub. L. 89–4, title IV, § 404, Mar. 9, 1965, 79 Stat. 23.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, as amended, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

§ 405. Termination

This Act, other than section 201, shall cease to be in effect on October 1, 1982.

(Pub. L. 89–4, title IV, § 404, Mar. 9, 1965, 79 Stat. 23; Pub. L. 91–123, title I, § 111, Nov. 25, 1969, 83 Stat. 216; Pub. L. 92–65, title II, § 213, Aug. 5, 1971, 85 Stat. 173; Pub. L. 94–188, title I, § 122(a), Dec. 31, 1975, 89 Stat. 1086; Pub. L. 96–506, § 3(6), Dec. 8, 1980, 94 Stat. 2746.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 5, known as the Appalachian Regional Development Act of 1965, which is set out in this Appendix. For complete classification of this Act to the Code, see section 1 of this Appendix and Tables.

Section 201 of this Act, referred to in text, is section 201 of Pub. L. 89–4, Mar. 9, 1965, 79 Stat. 10, which is set out as section 201 of this Appendix.

AMENDMENTS

1980—Pub. L. 96–506 substituted ''1982'' for ''1979''.

1975—Pub. L. 94–188 substituted ''October 1, 1979'' for ''July 1, 1975''.

1971—Pub. L. 92–65 substituted ''July 1, 1975'' for ''July 1, 1971''.

1969—Pub. L. 91–123 provided that section 201 be exempt from the July 1, 1971, termination date of this Act.