

Calendar No. 273

110TH CONGRESS
1ST SESSION**H. R. 799**

IN THE SENATE OF THE UNITED STATES

JULY 17, 2007

Received; read twice and placed on the calendar

AN ACT

To reauthorize and improve the program authorized by the
Appalachian Regional Development Act of 1965.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Appalachian Regional
5 Development Act Amendments of 2007”.

6 **SEC. 2. LIMITATION ON AVAILABLE AMOUNTS; MAXIMUM**
7 **COMMISSION CONTRIBUTION.**

8 (a) GRANTS AND OTHER ASSISTANCE.—Section
9 14321(a) of title 40, United States Code, is amended—
10 (1) by striking paragraph (1)(A)(i) and insert-
11 ing the following:

1 “(i) the amount of the grant shall not
2 exceed—

3 “(I) 50 percent of administrative
4 expenses;

5 “(II) at the discretion of the
6 Commission, if the grant is to a local
7 development district that has a char-
8 ter or authority that includes the eco-
9 nomic development of a county or a
10 part of a county for which a dis-
11 tressed county designation is in effect
12 under section 14526, 75 percent of
13 administrative expenses; or

14 “(III) at the discretion of the
15 Commission, if the grant is to a local
16 development district that has a char-
17 ter or authority that includes the eco-
18 nomic development of a county or a
19 part of a county for which an at-risk
20 county designation is in effect under
21 section 14526, 70 percent of adminis-
22 trative expenses;”; and

23 (2) by striking paragraph (2)(A) and inserting
24 the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), of the cost of any activity eligible for financial assistance under this section, not more than—

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

“(ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this subtitle; or

“(iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this subtitle.”.

(b) DEMONSTRATION HEALTH PROJECTS.—Section 14502 of title 40, United States Code, is amended—

(1) by striking subsection (d)(2) and inserting the following:

“(2) LIMITATION ON AVAILABLE AMOUNTS.—Grants under this section for the operation (includ-

1 ing initial operating amounts and operating deficits,
2 which include the cost of attracting, training, and
3 retaining qualified personnel) of a demonstration
4 health project, whether or not constructed with
5 amounts authorized by this section, may be made for
6 up to—

7 “(A) 50 percent of the cost of that oper-
8 ation;

9 “(B) in the case of a project to be carried
10 out in a county for which a distressed county
11 designation is in effect under section 14526, 80
12 percent of the cost of that operation; or

13 “(C) in the case of a project to be carried
14 out for a county for which an at-risk county
15 designation is in effect under section 14526, 70
16 percent of the cost of that operation.”; and

17 (2) in subsection (f)—

18 (A) in paragraph (1) by striking “para-
19 graph (2)” and inserting “paragraphs (2) and
20 (3)”; and

21 (B) by adding at the end the following:

22 “(3) AT-RISK COUNTIES.—The maximum Com-
23 mission contribution for a project to be carried out
24 in a county for which an at-risk county designation

1 is in effect under section 14526 may be increased to
2 the lesser of—

3 “(A) 70 percent; or

4 “(B) the maximum Federal contribution
5 percentage authorized by this section.”.

6 (c) ASSISTANCE FOR PROPOSED LOW- AND MIDDLE-
7 INCOME HOUSING PROJECTS.—Section 14503 of title 40,
8 United States Code, is amended—

9 (1) by striking subsection (d)(1) and inserting
10 the following:

11 “(1) LIMITATION ON AVAILABLE AMOUNTS.—A
12 loan under subsection (b) for the cost of planning
13 and obtaining financing (including the cost of pre-
14 liminary surveys and analyses of market needs, pre-
15 liminary site engineering and architectural fees, site
16 options, application and mortgage commitment fees,
17 legal fees, and construction loan fees and discounts)
18 of a project described in that subsection may be
19 made for up to—

20 “(A) 50 percent of that cost;

21 “(B) in the case of a project to be carried
22 out in a county for which a distressed county
23 designation is in effect under section 14526, 80
24 percent of that cost; or

1 “(C) in the case of a project to be carried
2 out for a county for which an at-risk county
3 designation is in effect under section 14526, 70
4 percent of that cost.”; and

5 (2) by striking subsection (e)(1) and inserting
6 the following:

7 “(1) IN GENERAL.—A grant under this section
8 for expenses incidental to planning and obtaining fi-
9 nancing for a project under this section that the
10 Secretary considers to be unrecoverable from the
11 proceeds of a permanent loan made to finance the
12 project shall—

13 “(A) not be made to an organization estab-
14 lished for profit; and

15 “(B) except as provided in paragraph (2),
16 not exceed—

17 “(i) 50 percent of those expenses;

18 “(ii) in the case of a project to be car-
19 ried out in a county for which a distressed
20 county designation is in effect under sec-
21 tion 14526, 80 percent of those expenses;
22 or

23 “(iii) in the case of a project to be
24 carried out in a county for which an at-
25 risk county designation is in effect under

1 section 14526, 70 percent of those ex-
2 penses.”.

3 (d) TELECOMMUNICATIONS AND TECHNOLOGY INI-
4 TIATIVE.—Section 14504 of title 40, United States Code,
5 is amended by striking subsection (b) and inserting the
6 following:

7 “(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the
8 cost of any activity eligible for a grant under this section,
9 not more than—

10 “(1) 50 percent may be provided from amounts
11 appropriated to carry out this section;

12 “(2) in the case of a project to be carried out
13 in a county for which a distressed county designa-
14 tion is in effect under section 14526, 80 percent
15 may be provided from amounts appropriated to
16 carry out this section; or

17 “(3) in the case of a project to be carried out
18 in a county for which an at-risk county designation
19 is in effect under section 14526, 70 percent may be
20 provided from amounts appropriated to carry out
21 this section.”.

22 (e) ENTREPRENEURSHIP INITIATIVE.—Section
23 14505 of title 40, United States Code, is amended by
24 striking subsection (c) and inserting the following:

1 “(c) LIMITATION ON AVAILABLE AMOUNTS.—Of the
2 cost of any activity eligible for a grant under this section,
3 not more than—

4 “(1) 50 percent may be provided from amounts
5 appropriated to carry out this section;

6 “(2) in the case of a project to be carried out
7 in a county for which a distressed county designa-
8 tion is in effect under section 14526, 80 percent
9 may be provided from amounts appropriated to
10 carry out this section; or

11 “(3) in the case of a project to be carried out
12 in a county for which an at-risk county designation
13 is in effect under section 14526, 70 percent may be
14 provided from amounts appropriated to carry out
15 this section.”.

16 (f) REGIONAL SKILLS PARTNERSHIPS.—Section
17 14506 of title 40, United States Code, is amended by
18 striking subsection (d) and inserting the following:

19 “(d) LIMITATION ON AVAILABLE AMOUNTS.—Of the
20 cost of any activity eligible for a grant under this section,
21 not more than—

22 “(1) 50 percent may be provided from amounts
23 appropriated to carry out this section;

24 “(2) in the case of a project to be carried out
25 in a county for which a distressed county designa-

1 tion is in effect under section 14526, 80 percent
2 may be provided from amounts appropriated to
3 carry out this section; or

4 “(3) in the case of a project to be carried out
5 in a county for which an at-risk county designation
6 is in effect under section 14526, 70 percent may be
7 provided from amounts appropriated to carry out
8 this section.”.

9 (g) SUPPLEMENTS TO FEDERAL GRANT PRO-
10 GRAMS.—Section 14507(g) of title 40, United States
11 Code, is amended—

12 (1) in paragraph (1) by striking “paragraph
13 (2)” and inserting “paragraphs (2) and (3)”; and

14 (2) by adding at the end the following:

15 “(3) AT-RISK COUNTIES.—The maximum Com-
16 mission contribution for a project to be carried out
17 in a county for which an at-risk county designation
18 is in effect under section 14526 may be increased to
19 70 percent.”.

20 **SEC. 3. ECONOMIC AND ENERGY DEVELOPMENT INITIA-**
21 **TIVE.**

22 (a) IN GENERAL.—Subchapter I of chapter 145 of
23 subtitle IV of title 40, United States Code, is amended
24 by adding at the end the following:

1 **“§ 14508. Economic and energy development initia-**
2 **tive**

3 “(a) PROJECTS TO BE ASSISTED.—The Appalachian
4 Regional Commission may provide technical assistance,
5 make grants, enter into contracts, or otherwise provide
6 amounts to persons or entities in the Appalachian region
7 for projects—

8 “(1) to promote energy efficiency in the region
9 to enhance its economic competitiveness;

10 “(2) to increase the use of renewable energy re-
11 sources in the region to produce alternative trans-
12 portation fuels, electricity, and heat; and

13 “(3) to support the development of conventional
14 energy resources in the region to produce alternative
15 transportation fuels, electricity, and heat.

16 “(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the
17 cost of any project eligible for a grant under this section,
18 not more than—

19 “(1) 50 percent may be provided from amounts
20 appropriated to carry out this section;

21 “(2) in the case of a project to be carried out
22 in a county for which a distressed county designa-
23 tion is in effect under section 14526, 80 percent
24 may be provided from amounts appropriated to
25 carry out this section; or

1 “(3) in the case of a project to be carried out
 2 in a county for which an at-risk county designation
 3 is in effect under section 14526, 70 percent may be
 4 provided from amounts appropriated to carry out
 5 this section.

6 “(c) SOURCES OF ASSISTANCE.—Assistance under
 7 this section may be provided from amounts made available
 8 to carry out this section in combination with amounts
 9 made available under other Federal programs or from any
 10 other source.

11 “(d) FEDERAL SHARE.—Notwithstanding any provi-
 12 sion of law limiting the Federal share under any other
 13 Federal program, amounts made available to carry out
 14 this section may be used to increase that Federal share,
 15 as the Commission decides is appropriate.”.

16 (b) CONFORMING AMENDMENT.—The analysis for
 17 chapter 145 of title 40, United States Code, is amended
 18 by inserting after the item relating to section 14507 the
 19 following:

 “14508. Economic and energy development initiative.”.

20 **SEC. 4. DISTRESSED, AT-RISK, AND ECONOMICALLY**
 21 **STRONG COUNTIES.**

22 (a) DESIGNATION OF AT-RISK COUNTIES.—Section
 23 14526 of title 40, United States Code, is amended—

24 (1) in the section heading by inserting “, **at-**
 25 **risk,**” after “**Distressed**”; and

1 (2) in subsection (a)(1)—

2 (A) by redesignating subparagraph (B) as
3 subparagraph (C);

4 (B) in subparagraph (A) by striking “and”
5 at the end; and

6 (C) by inserting after subparagraph (A)
7 the following:

8 “(B) designate as ‘at-risk counties’ those
9 counties in the Appalachian region that are
10 most at risk of becoming economically dis-
11 tressed; and”.

12 (b) CONFORMING AMENDMENT.—The analysis for
13 chapter 145 of such title is amended by striking the item
14 relating to section 14526 and inserting the following:

“14526. Distressed, at-risk, and economically strong counties.”.

15 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) IN GENERAL.—Section 14703(a) of title 40,
17 United States Code, is amended to read as follows:

18 “(a) IN GENERAL.—In addition to amounts made
19 available under section 14501, there is authorized to be
20 appropriated to the Appalachian Regional Commission to
21 carry out this subtitle (other than section 14508)—

22 “(1) \$65,000,000 for fiscal year 2007;

23 “(2) \$80,000,000 for fiscal year 2008;

24 “(3) \$85,000,000 for fiscal year 2009;

25 “(4) \$90,000,000 for fiscal year 2010; and

1 “(5) \$95,000,000 for fiscal year 2011.”.

2 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
3 14703(b) of such title is amended to read as follows:

4 “(b) ECONOMIC AND ENERGY DEVELOPMENT INITIA-
5 TIVE.—In addition to amounts made available under sec-
6 tion 14501, there is authorized to be appropriated to the
7 Commission to carry out section 14508 \$12,000,000 for
8 each of fiscal years 2008 through 2011.”.

9 (c) AVAILABILITY.—Section 14703(c) of such title is
10 amended by striking “subsection (a)” and by inserting
11 “subsections (a) and (b)”.

12 (d) ALLOCATION OF FUNDS.—Section 14703 of such
13 title is amended by adding at the end the following:

14 “(d) ALLOCATION OF FUNDS.—Funds approved by
15 the Commission for a project in a State in the Appa-
16 lachian region pursuant to congressional direction shall be
17 derived from such State’s portion of the Commission’s al-
18 location of appropriated amounts among the States.”.

19 **SEC. 6. TERMINATION.**

20 Section 14704 of title 40, United States Code, is
21 amended by striking “2006” and inserting “2011”.

22 **SEC. 7. ADDITIONS TO APPALACHIAN REGION.**

23 (a) KENTUCKY.—Section 14102(a)(1)(C) of title 40,
24 United States Code, is amended—

25 (1) by inserting “Metcalf,” after “Menifee,”;

4 (b) OHIO.—Section 14102(a)(1)(H) of such title is
5 amended—

8 (3) by inserting “Mahoning,” after “Law-
9 rence,”; and

11 (c) TENNESSEE.—Section 14102(a)(1)(K) of such
12 title is amended—

14 (2) by inserting “Lawrence, Lewis, Lincoln,”
15 after “Knox,”.

16 (d) VIRGINIA.—Section 14102(a)(1)(L) of such title
17 is amended—

19 and

20 (2) by inserting “Patrick,” after “Mont-
21 gomery,”.

Attest: LORRAINE C. MILLER,
Clerk.

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