

section 14302 of this title, state and regional development plans and strategy statements, and any multistate subregional plans which may be developed.

(b) APPLICATION PROCESS.—An application for a grant or for other assistance for a specific project under this subtitle shall be made through the state member of the Commission representing the applicant. The state member shall evaluate the application for approval. To be approved, the state member must certify, and the Federal Cochairman must determine, that the application—

- (1) implements the Commission-approved state development plan;
- (2) is included in the Commission-approved strategy statement;
- (3) adequately ensures that the project will be properly administered, operated, and maintained; and
- (4) otherwise meets the requirements for assistance under this subtitle.

(c) AFFIRMATIVE VOTE REQUIREMENT DEEMED MET.—After the appropriate state development plan and strategy statement are approved, certification by a state member, when joined by an affirmative vote of the Federal Cochairman, is deemed to satisfy the requirements for affirmative votes for decisions under section 14302(a) of this title.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1264.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
14322(a)	40 App.:303 (1st sentence).	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; Pub. L. 107–149, §13(i), Mar. 12, 2002, 116 Stat. 72.
14322(b)	40 App.:303 (2d, 3d sentences).	
14322(c)	40 App.:303 (last sentence).	

§ 14323. Congressional notification

(a) IN GENERAL.—In the case of a project described in subsection (b), the Appalachian Regional Commission shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate notice of the award of a grant or other financial assistance not less than 3 full business days before awarding the grant or other financial assistance.

(b) PROJECTS DESCRIBED.—A project referred to in subsection (a) is a project that the Appalachian Regional Commission has selected to receive a grant or other financial assistance under this subtitle in an amount not less than \$50,000.

(Added Pub. L. 117–58, div. A, title I, §11506(c)(1), Nov. 15, 2021, 135 Stat. 584.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 2021, see section 10003 of Pub. L. 117–58, set out as an Effective Date of 2021 Amendment note under section 101 of Title 23, Highways.

CHAPTER 145—SPECIAL APPALACHIAN PROGRAMS

SUBCHAPTER I—PROGRAMS

- Sec. 14501. Appalachian development highway system.
- 14502. Demonstration health projects.
- 14503. Assistance for proposed low- and middle-income housing projects.
- 14504. Telecommunications and technology initiative.
- 14505. Entrepreneurship initiative.
- 14506. Regional skills partnerships.
- 14507. Supplements to federal grant programs.
- 14508. Economic and energy development initiative.
- 14509. High-speed broadband deployment initiative.
- 14510. Drug abuse mitigation initiative.
- 14511¹. Appalachian regional energy hub initiative.

SUBCHAPTER II—ADMINISTRATIVE

- 14521. Required level of expenditure.
- 14522. Consent of States.
- 14523. Program implementation.
- 14524. Program development criteria.
- 14525. State development planning process.
- 14526. Distressed, at-risk, and economically strong counties.

Editorial Notes

AMENDMENTS

Pub. L. 117–58, div. A, title I, §11506(e)(2), Nov. 15, 2021, 135 Stat. 586, which directed amendment of the analysis for subchapter I of this chapter by adding item 14511 at the end, was executed by adding item 14511 to the analysis for this chapter to reflect the probable intent of Congress.

2018—Pub. L. 115–271, title VIII, §8062(b), Oct. 24, 2018, 132 Stat. 4095, added item 14510.

2015—Pub. L. 114–94, div. A, title I, §1436(a)(2), Dec. 4, 2015, 129 Stat. 1431, added item 14509.

2008—Pub. L. 110–371, §§3(b), 4(b), Oct. 8, 2008, 122 Stat. 4041, added items 14508 and 14526 and struck out former item 14526 “Distressed and economically strong counties”.

SUBCHAPTER I—PROGRAMS

§ 14501. Appalachian development highway system

(a) PURPOSE.—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 with a developmental potential where commerce and communication have been inhibited by lack of adequate access, the Secretary of Transportation may assist in the construction of an Appalachian development highway system and local access roads serving the Appalachian region. Construction on the development highway system shall not be more than three thousand and ninety miles. There shall not be more than 1,400 miles of local access roads that serve specific recreational, residential, educational, commercial, industrial, or similar facilities or facilitate a school consolidation program.

(b) COMMISSION DESIGNATIONS.—

(1) WHAT IS TO BE DESIGNATED.—The Appalachian Regional Commission shall transmit to the Secretary its designations of—

- (A) the general corridor location and termini of the development highways;

¹ So in original. Probably should be followed by a period.

- (B) local access roads to be constructed;
- (C) priorities for the construction of segments of the development highways; and
- (D) other criteria for the program authorized by this section.

(2) STATE TRANSPORTATION DEPARTMENT RECOMMENDATION REQUIRED.—Before a state member participates in or votes on designations, the member must obtain the recommendations of the state transportation department of the State which the member represents.

(c) ADDITION TO FEDERAL-AID PRIMARY SYSTEM.—When completed, each development highway not already on the Federal-aid primary system shall be added to the system.

(d) USE OF SPECIFIC MATERIALS AND PRODUCTS.—

(1) INDIGENOUS MATERIALS AND PRODUCTS.—In the construction of highways and roads authorized under this section, a State may give special preference to the use of materials and products indigenous to the Appalachian region.

(2) COAL DERIVATIVES.—For research and development in the use of coal and coal products in highway construction and maintenance, the Secretary may require each participating State, to the maximum extent possible, to use coal derivatives in the construction of not more than 10 percent of the roads authorized under this subtitle.

(e) FEDERAL SHARE.—Federal assistance to any construction project under this section shall not be more than 80 percent of the cost of the project.

(f) CONSTRUCTION WITHOUT FEDERAL AMOUNTS.—

(1) PAYMENT OF FEDERAL SHARE.—When a participating State constructs a segment of a development highway without the aid of federal amounts and the construction is in accordance with all procedures and requirements applicable to the construction of segments of Appalachian development highways with those amounts, except for procedures and requirements that limit a State to the construction of projects for which federal amounts have previously been appropriated, the Secretary, on application by the State and with the approval of the Commission, may pay to the State the federal share, which shall not be more than 80 percent of the cost of the construction of the segment, from any amounts appropriated and allocated to the State to carry out this section.

(2) NO COMMITMENT OR OBLIGATION.—This subsection does not commit or obligate the Federal Government to provide amounts for segments of development highways constructed under this subsection.

(g) APPLICATION OF TITLE 23.—

(1) SECTIONS 106(a) AND 118.—Sections 106(a) and 118 of title 23 apply to the development highway system and the local access roads.

(2) CONSTRUCTION AND MAINTENANCE.—States are required to maintain each development highway and local access road as provided for Federal-aid highways in title 23. All other provisions of title 23 that are applicable to the

construction and maintenance of Federal-aid primary and secondary highways and which the Secretary decides are not inconsistent with this subtitle shall apply to the system and roads, respectively.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1265; Pub. L. 108-199, div. F, title I, §123(a), Jan. 23, 2004, 118 Stat. 296.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
14501(a)	40 App.:201(a) (1st, 3d, last sentences).	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; Pub. L. 105-178, title I, §1117(c), title II, §1212(a)(2)(B)(iii), June 9, 1998, 112 Stat. 160, 193.
14501(b)	40 App.:201(b).	
14501(c)	40 App.:201(c) (1st sentence, last sentence words before "and each").	
14501(d)(1) ..	40 App.:201(d).	
14501(d)(2) ..	40 App.:201(e).	
14501(e)	40 App.:201(f), (g).	
14501(f)	40 App.:201(h).	
14501(g)(1) ..	40 App.:201(a) (2d sentence words before 6th comma).	
14501(g)(2) ..	40 App.:201(a) (2d sentence words after 6th comma), (c) (last sentence words after "to such system").	

In subsection (c), the text of 40 App.:201(c) (1st sentence) is omitted as obsolete because appropriations were not authorized under 40 App.:201(g) after fiscal year 1982.

In subsection (e), the text of 40 App.:201(g) is omitted as obsolete.

Editorial Notes

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-199, which directed substitution of "three thousand and ninety" for "three thousand and twenty-five" in third sentence, was executed by substituting "three thousand and ninety" for "3,025" in second sentence of subsec. (a) to reflect the probable intent of Congress.

Statutory Notes and Related Subsidiaries

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

Pub. L. 112-141, div. A, title I, §1528, July 6, 2012, 126 Stat. 582, as amended by Pub. L. 114-94, div. A, title I, §1435, Dec. 4, 2015, 129 Stat. 1430, provided that:

"(a) SENSE OF THE SENATE.—It is the Sense of the Senate that the timely completion of the Appalachian development highway system is a transportation priority in the national interest.

"(b) MODIFIED FEDERAL SHARE FOR PROJECTS ON ADHS.—For fiscal years 2012 through 2050, the Federal share payable for the cost of constructing highways and access roads on the Appalachian development highway system under section 14501 of title 40, United

States Code, with funds made available to a State for fiscal year 2012 or a previous fiscal year for the Appalachian development highway system program, or with funds made available for fiscal year 2012 or a previous fiscal year for a specific project, route, or corridor on that system, shall be up to 100 percent, as determined by the State.

“(c) FEDERAL SHARE FOR OTHER FUNDS USED ON ADHS.—For fiscal years 2012 through 2050, the Federal share payable for the cost of constructing highways and access roads on the Appalachian development highway system under section 14501 of title 40, United States Code, with Federal funds apportioned to a State for a program other than the Appalachian development highway system program shall be up to 100 percent, as determined by the State.

“(d) COMPLETION PLAN.—

“(1) IN GENERAL.—Subject to paragraph (2), not later than 1 year after the date of enactment of the MAP-21 [deemed to be Oct. 1, 2012], each State represented on the Appalachian Regional Commission shall establish a plan for the completion of the designated corridors of the Appalachian development highway system within the State, including annual performance targets, with a target completion date.

“(2) SIGNIFICANT UNCOMPLETED MILES.—If the percentage of remaining Appalachian development highway system needs for a State, according to the latest cost to complete estimate for the Appalachian development highway system, is greater than 15 percent of the total cost to complete estimate for the entire Appalachian development highway system, the State shall not establish a plan under paragraph (1) that would result in a reduction of obligated funds for the Appalachian development highway system within the State for any subsequent fiscal year.”

§ 14502. Demonstration health projects

(a) PURPOSE.—To demonstrate the value of adequate health facilities and services to the economic development of the Appalachian region, the Secretary of Health and Human Services may 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.

(b) PLANNING GRANTS.—

(1) AUTHORITY TO PROVIDE AMOUNTS AND MAKE GRANTS.—The Secretary may provide amounts to the Appalachian Regional Commission for the support of its Health Advisory Committee and may make grants for expenses of planning necessary for the development and operation of demonstration health projects for the region.

(2) LIMITATION ON AVAILABLE AMOUNTS.—The amount of a grant under this section for planning shall not be more than 75 percent of expenses.

(3) SOURCES OF ASSISTANCE.—The federal contribution may be provided entirely from amounts authorized under this section or in combination with amounts provided under other federal or federal grant programs.

(4) FEDERAL SHARE.—Notwithstanding any provision of law limiting the federal share in those other programs, amounts appropriated to carry out this section may be used to increase the federal share to the maximum percentage cost of a grant authorized by this subsection.

(c) CONSTRUCTION AND EQUIPMENT GRANTS.—

(1) ADDITIONAL USES FOR CONSTRUCTION GRANTS.—Grants under this section for construction may also be used for—

(A) the acquisition of privately owned facilities—

(i) not operated for profit; or

(ii) previously operated for profit if the Commission finds that health services would not otherwise be provided in the area served by the facility if the acquisition is not made; and

(B) initial equipment.

(2) STANDARDS FOR MAKING GRANTS.—Grants under this section for construction shall be made in accordance with section 14523 of this title and shall not be incompatible with the applicable provisions of title VI of the Public Health Service Act (42 U.S.C. 291 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.), and other laws authorizing grants for the construction of health-related facilities, without regard to any provisions in those laws relating to appropriation authorization ceilings or to allotments among the States.

(3) LIMITATION ON AVAILABLE AMOUNTS.—A grant for the construction or equipment of any component of a demonstration health project shall not be more than 80 percent of the cost.

(4) SOURCES OF ASSISTANCE.—The federal contribution may be provided entirely from amounts authorized under this section or in combination with amounts provided under other federal grant programs for the construction or equipment of health-related facilities.

(5) FEDERAL SHARE.—Notwithstanding any provision of law limiting the federal share in those other programs, amounts authorized under this section may be used to increase federal grants for component facilities of a demonstration health project to a maximum of 80 percent of the cost of the facilities.

(d) OPERATION GRANTS.—

(1) STANDARDS FOR MAKING GRANTS.—A grant for the operation of a demonstration health project shall not be made—

(A) unless the facility is publicly owned, or owned by a public or private nonprofit organization, and is not operated for profit;

(B) 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 be approved under section 14322 of this title for continued support beyond that period, on request of the State, if the Commission finds that no federal, state, or local amounts are available to continue the project; and

(C) 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.

(2) LIMITATION ON AVAILABLE AMOUNTS.—Grants under this section for the operation (including initial operating amounts and operating deficits, which include the cost of attracting, training, and retaining qualified per-