

shall request from the Federal Communications Commission, the National Telecommunications and Information Administration, the Economic Development Administration, and the Department of Agriculture data on—

(1) the level and extent of broadband service that exists in the area proposed to be served by the broadband service-related infrastructure; and

(2) the level and extent of broadband service that will be deployed in the area proposed to be served by the broadband service-related infrastructure pursuant to another Federal program.

(g) **REQUIREMENT.**—For each fiscal year, not less than 65 percent of the amounts made available to carry out this section shall be used for grants for projects and activities described in subsection (b)(2).

(Added Pub. L. 114–94, div. A, title I, § 1436(a)(1), Dec. 4, 2015, 129 Stat. 1430; amended Pub. L. 117–58, div. A, title I, § 11506(d), Nov. 15, 2021, 135 Stat. 584.)

### Editorial Notes

#### AMENDMENTS

2021—Subsec. (a). Pub. L. 117–58, § 11506(d)(1), added subsec. (a) and struck out former subsec. (a) which related to the Appalachian Regional Commission providing technical assistance, making grants, entering into contracts, or otherwise providing amounts to individuals or entities in the Appalachian region for projects and activities and specifying particular objectives in pars. (1) to (6).

Subsec. (b). Pub. L. 117–58, § 11506(d)(3), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 117–58, § 11506(d)(2), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 117–58, § 11506(d)(2), (4), redesignated subsec. (c) as (d) and substituted “subsection (c)” for “subsection (b)” in introductory provisions. Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 117–58, § 11506(d)(2), redesignated subsec. (d) as (e).

Subsec. (f), (g). Pub. L. 117–58, § 11506(d)(5), added subsecs. (f) and (g).

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2021 AMENDMENT

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

#### EFFECTIVE DATE

Pub. L. 114–94, div. A, title I, § 1436(d), Dec. 4, 2015, 129 Stat. 1432, provided that: “This section [enacting this section and amending sections 14703 and 14704 of this title] and the amendments made by this section take effect on October 1, 2015.”

### § 14510. Drug abuse mitigation initiative

(a) **IN GENERAL.**—The Appalachian Regional Commission may provide technical assistance to, make grants to, enter into contracts with, or otherwise provide amounts to individuals or entities in the Appalachian region for projects and activities to address drug abuse, including opioid abuse, in the region, including projects and activities—

(1) to facilitate the sharing of best practices among States, counties, and other experts in

the region with respect to reducing such abuse;

(2) to initiate or expand programs designed to eliminate or reduce the harm to the workforce and economic growth of the region that results from such abuse;

(3) to attract and retain relevant health care services, businesses, and workers; and

(4) to develop relevant infrastructure, including broadband infrastructure that supports the use of telemedicine.

(b) **LIMITATION ON AVAILABLE AMOUNTS.**—Of the cost of any activity eligible for a grant under this section—

(1) not more than 50 percent may be provided from amounts appropriated to carry out this section; and

(2) notwithstanding paragraph (1)—

(A) 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, not more than 80 percent may be provided from amounts appropriated to carry out this section; and

(B) in the case of a project to be carried out in a county for which an at-risk designation is in effect under section 14526, not more than 70 percent may be provided from amounts appropriated to carry out this section.

(c) **SOURCES OF ASSISTANCE.**—Subject to subsection (b), a grant provided under this section may be provided from amounts made available to carry out this section in combination with amounts made available—

(1) under any other Federal program (subject to the availability of subsequent appropriations); or

(2) from any other source.

(d) **FEDERAL SHARE.**—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Appalachian Regional Commission determines to be appropriate.

(Added Pub. L. 115–271, title VIII, § 8062(a), Oct. 24, 2018, 132 Stat. 4094.)

### § 14511. Appalachian regional energy hub initiative

(a) **IN GENERAL.**—The Appalachian Regional Commission may provide technical assistance to, make grants to, enter into contracts with, or otherwise provide amounts to individuals or entities in the Appalachian region for projects and activities—

(1) to conduct research and analysis regarding the economic impact of an ethane storage hub in the Appalachian region that supports a more-effective energy market performance due to the scale of the project, such as a project with the capacity to store and distribute more than 100,000 barrels per day of hydrocarbon feedstock with a minimum gross heating value of 1,700 Btu per standard cubic foot;

(2) with the potential to significantly contribute to the economic resilience of the area in which the project is located; and

(3) that will help establish a regional energy hub in the Appalachian region for natural gas and natural gas liquids, including hydrogen produced from the steam methane reforming of natural gas feedstocks.

(b) **LIMITATION ON AVAILABLE AMOUNTS.**—Of the cost of any project or activity eligible for a grant under this section—

(1) except as provided in paragraphs (2) and (3), not more than 50 percent may be provided from amounts made available to carry out this section;

(2) in the case of a project or activity to be carried out in a county for which a distressed county designation is in effect under section 14526, not more than 80 percent may be provided from amounts made available to carry out this section; and

(3) in the case of a project or activity to be carried out in a county for which an at-risk county designation is in effect under section 14526, not more than 70 percent may be provided from amounts made available to carry out this section.

(c) **SOURCES OF ASSISTANCE.**—Subject to subsection (b), a grant provided under this section may be provided from amounts made available to carry out this section, in combination with amounts made available—

- (1) under any other Federal program; or
- (2) from any other source.

(d) **FEDERAL SHARE.**—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Appalachian Regional Commission determines to be appropriate.

(Added Pub. L. 117–58, div. A, title I, § 11506(e)(1), Nov. 15, 2021, 135 Stat. 585.)

**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.

**SUBCHAPTER II—ADMINISTRATIVE**

**§ 14521. Required level of expenditure**

A State or political subdivision of a State is not eligible to receive benefits under this subtitle unless the aggregate expenditure of state amounts, except expenditures for participation in the Dwight D. Eisenhower System of Interstate and Defense Highways and local and federal amounts, for the benefit of the area within the State located in the Appalachian region is maintained at a level which does not fall below the average level of those expenditures for the State's last two full fiscal years prior to March 9, 1965. In computing the level, a State's past expenditure for participation in the Dwight D. Eisenhower System of Interstate and Defense Highways and expenditures of local and federal amounts shall not be included. The Commission shall recommend to the President a lesser requirement when it finds that a substantial popu-

lation decrease in that part 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 in an individual program has been disproportionate to the present need for that part of the State.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1274.)

**HISTORICAL AND REVISION NOTES**

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
14521 .....	40 App.:221.	Pub. L. 89–4, title II, § 221, Mar. 9, 1965, 79 Stat. 18; Pub. L. 90–103, title I, § 1117, Oct. 11, 1967, 81 Stat. 263; Pub. L. 101–427, Oct. 15, 1990, 104 Stat. 927.

The words “or such Federal officer or officers as the President may designate” are omitted because of 3:301.

**§ 14522. Consent of States**

This subtitle does not require a State to engage in or accept a program under this subtitle without its consent.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1274.)

**HISTORICAL AND REVISION NOTES**

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
14522 .....	40 App.:222.	Pub. L. 89–4, title II, § 222, Mar. 9, 1965, 79 Stat. 18.

**§ 14523. Program implementation**

(a) **REQUIREMENTS.**—A program or project authorized under this chapter shall not be implemented until—

- (1) the responsible federal official has decided that applications and plans relating to the program or project are not incompatible with the provisions and objectives of federal laws that the official administers that are not inconsistent with this subtitle; and
- (2) the Appalachian Regional Commission has approved the program or project and has determined that it—

(A) meets the applicable criteria under section 14524 of this title and the requirements of the development planning process under section 14525 of this title; and

(B) will contribute to the development of the Appalachian region.

(b) **DECISION IS CONTROLLING.**—A decision under subsection (a)(2) is controlling and shall be accepted by the federal agencies.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1274.)

**HISTORICAL AND REVISION NOTES**

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
14523 .....	40 App.:223.	Pub. L. 89–4, title II, § 223, Mar. 9, 1965, 79 Stat. 18; Pub. L. 90–103, title I, § 1118, Oct. 11, 1967, 81 Stat. 264; Pub. L. 94–188, title I, § 1116, Dec. 31, 1975, 89 Stat. 1083.

**§ 14524. Program development criteria**

(a) **FACTORS TO BE CONSIDERED.**—In considering programs and projects to be given assist-