

(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-