

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 the Commission and its member States establish pursuant to this subtitle;

(2) recognize Appalachian state development strategies approved by the Commission as satisfying requirements for overall economic development planning under the programs or projects; and

(3) accept the boundaries and organization of any local development district certified under this subtitle that the Governor may designate as the areawide agency required under any of those programs undertaken or assisted by those federal departments, agencies, and instrumentalities.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1275.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
14525(a)	40 App.:225(a).	Pub. L. 89-4, title II, § 225, as added Pub. L. 94-188, title I, § 118, Dec. 31, 1975, 89 Stat. 1084; Pub. L. 107-149, § 13(h), Mar. 12, 2002, 116 Stat. 72.
14525(b)	40 App.:225(b)(2).	
14525(c)	40 App.:225(b)(1).	
14525(d)	40 App.:225(c).	

Editorial Notes

REFERENCES IN TEXT

The Public Works and Economic Development Act of 1965, referred to in subsec. (a)(3)(C), is Pub. L. 89-136, Aug. 26, 1965, 79 Stat. 552, 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.

§ 14526. Distressed, at-risk, and economically strong counties

(a) DESIGNATIONS.—

(1) IN GENERAL.—The Appalachian Regional Commission, in accordance with criteria the Commission may establish, each year shall—

(A) designate as “distressed counties” those counties in the Appalachian region that are the most severely and persistently distressed;

(B) designate as “at-risk counties” those counties in the Appalachian region that are most at risk of becoming economically distressed; and

(C) designate two categories of economically strong counties, consisting of—

(i) “competitive counties”, which shall be those counties in the region that are approaching economic parity with the rest of the United States; and

(ii) “attainment counties”, which shall be those counties in the region that have attained or exceeded economic parity with the rest of the United States.

(2) ANNUAL REVIEW OF DESIGNATIONS.—The Commission shall—

(A) conduct an annual review of each designation of a county under paragraph (1) to determine if the county still meets the criteria for the designation; and

(B) renew the designation for another one-year period only if the county still meets the criteria.

(b) DISTRESSED COUNTIES.—In program and project development and implementation and in the allocation of appropriations made available to carry out this subtitle, the Commission shall give special consideration to the needs of counties for which a distressed county designation is in effect under this section.

(c) ECONOMICALLY STRONG COUNTIES.—

(1) COMPETITIVE COUNTIES.—Except as provided in paragraphs (3) and (4), assistance under this subtitle for a project that is carried out in a county for which a competitive county designation is in effect under this section shall not be more than 30 percent of the project cost.

(2) ATTAINMENT COUNTIES.—Except as provided in paragraphs (3) and (4), amounts may not be provided under this subtitle for a project that is carried out in a county for which an attainment county designation is in effect under this section.

(3) EXCEPTIONS.—Paragraphs (1) and (2) do not apply to—

(A) a project on the Appalachian development highway system authorized by section 14501 of this title;

(B) a local development district administrative project assisted under section 14321(a)(1)(A) of this title; or

(C) a multicounty project that is carried out in at least two counties designated under this section if—

(i) at least one of the participating counties is designated as a distressed county under this section; and

(ii) the project will be of substantial direct benefit to at least one distressed county.

(4) WAIVER.—

(A) IN GENERAL.—The Commission may waive the requirements of paragraphs (1) and (2) for a project when the recipient of assistance for the project shows the existence of any of the following:

(i) a significant pocket of distress in the part of the county in which the project is carried out.

(ii) a significant potential benefit from the project in at least one area of the region outside the designated county.

(B) REPORTS TO CONGRESS.—The Commission shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an annual report describing each waiver granted under subparagraph (A) during the period covered by the report.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1277; Pub. L. 110-371, § 4(a), Oct. 8, 2008, 122 Stat. 4041.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
14526	40 App.:226.	Pub. L. 89-4, title II, § 226, as added Pub. L. 105-393, title II, § 219, Nov. 13, 1998, 112 Stat. 3623.

In subsection (a)(1), before clause (A), the words “Not later than 90 days after November 13, 1988” are omitted as obsolete.

Editorial Notes

AMENDMENTS

2008—Pub. L. 110-371, §4(a)(1), inserted “, at-risk,” after “Distressed” in section catchline.

Subsec. (a)(1)(B), (C). Pub. L. 110-371, §4(a)(2), added subpar. (B) and redesignated former subpar. (B) as (C).

CHAPTER 147—MISCELLANEOUS

Sec.	
14701.	Applicable labor standards.
14702.	Nondiscrimination.
14703.	Authorization of appropriations.
14704.	Termination.

§ 14701. 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 federal amounts authorized under this subtitle shall be paid wages at rates not less than those prevailing on similar construction in the locality as the Secretary of Labor determines in accordance with sections 3141–3144, 3146, and 3147 of this title. With respect to those labor standards, the Secretary has the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (eff. May 24, 1950, 64 Stat. 1267) and section 3145 of this title.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1278.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
14701	40 App.:402.	Pub. L. 89-4, title IV, §402, Mar. 9, 1965, 79 Stat. 21.

The reference to 40:276(c) should be to 40:276c, restated as section 3145 of the revised title.

Editorial Notes

REFERENCES IN TEXT

Reorganization Plan Numbered 14 of 1950, 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.

§ 14702. Nondiscrimination

An individual in the United States shall not, because of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, a program or activity receiving federal financial assistance under this subtitle.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1278.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
14702	40 App.:223 note.	Pub. L. 92-65, title II, §214, Aug. 5, 1971, 85 Stat. 173.

§ 14703. Authorization of appropriations

(a) IN GENERAL.—In addition to amounts made available under section 14501, there is authorized

to be appropriated to the Appalachian Regional Commission to carry out this subtitle—

- (1) \$87,000,000 for fiscal year 2008;
- (2) \$100,000,000 for fiscal year 2009;
- (3) \$105,000,000 for fiscal year 2010;
- (4) \$108,000,000 for fiscal year 2011;
- (5) \$110,000,000 for each of fiscal years 2012 through 2021; and
- (6) \$200,000,000 for each of fiscal years 2022 through 2026.

(b) ECONOMIC AND ENERGY DEVELOPMENT INITIATIVE.—Of the amounts made available under subsection (a), the following amounts may be used to carry out section 14508—

- (1) \$12,000,000 for fiscal year 2008;
- (2) \$12,500,000 for fiscal year 2009;
- (3) \$13,000,000 for fiscal year 2010;
- (4) \$13,500,000 for fiscal year 2011; and
- (5) \$14,000,000 for fiscal year 2012.

(c) HIGH-SPEED BROADBAND DEPLOYMENT INITIATIVE.—Of the amounts made available under subsection (a), \$20,000,000 may be used to carry out section 14509 for each of fiscal years 2022 through 2026.

(d) APPALACHIAN REGIONAL ENERGY HUB INITIATIVE.—Of the amounts made available under subsection (a), \$5,000,000 shall be used to carry out section 14511 for each of fiscal years 2022 through 2026.

(e) AVAILABILITY.—Amounts made available under subsection (a) remain available until expended.

(f) ALLOCATION OF FUNDS.—Funds approved by the Appalachian Regional Commission for a project in a State in the Appalachian region pursuant to a congressional directive shall be derived from the total amount allocated to the State by the Appalachian Regional Commission from amounts appropriated to carry out this subtitle.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1278; Pub. L. 110-371, §5, Oct. 8, 2008, 122 Stat. 4041; Pub. L. 114-94, div. A, title I, §1436(b), Dec. 4, 2015, 129 Stat. 1431; Pub. L. 116-159, div. B, title I, §1107(a), Oct. 1, 2020, 134 Stat. 727; Pub. L. 117-58, div. A, title I, §11506(f), Nov. 15, 2021, 135 Stat. 586.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
14703	40 App.:401.	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; Pub. L. 105-393, title II, §221, Nov. 13, 1998, 112 Stat. 3625; Pub. L. 107-149, §10, Mar. 12, 2002, 116 Stat. 70.

Editorial Notes

AMENDMENTS

2021—Subsec. (a)(6). Pub. L. 117-58, §11506(f)(1), added par. (6).