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40 USC CHAPTER 141 – GENERAL PROVISIONS 01/06/03

–EXPCITE–

TITLE 40 – PUBLIC BUILDINGS, PROPERTY, AND WORKS

SUBTITLE IV – APPALACHIAN REGIONAL DEVELOPMENT

CHAPTER 141 – GENERAL PROVISIONS

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14101. Findings and purposes.

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40 USC Sec. 14101 01/06/03

–EXPCITE–

TITLE 40 – PUBLIC BUILDINGS, PROPERTY, AND WORKS

SUBTITLE IV – APPALACHIAN REGIONAL DEVELOPMENT

CHAPTER 141 – GENERAL PROVISIONS

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Sec. 14101. Findings and purposes

–STATUTE–

(a) 1965 Findings and Purpose. –

(1) Findings. – Congress finds and declares that the

Appalachian region of the United States, while abundant in

natural resources and rich in potential, lags behind the rest of the Nation in its economic growth and that its people have not shared properly in the Nation's prosperity. The region's uneven past development, with its historical reliance on a few basic industries and a marginal agriculture, has failed to provide the economic base that is a vital prerequisite for vigorous, self-sustaining growth. State and local governments and the people of the region understand their problems and have been working, and will continue to work, purposefully toward their solution. Congress recognizes the comprehensive report of the President's Appalachian Regional Commission documenting these findings and concludes that regionwide development is feasible, desirable, and urgently needed.

(2) Purpose. – It is the purpose of this subtitle to assist the region in meeting its special problems, to promote its economic development, and to establish a framework for joint federal and state efforts toward providing the basic facilities essential to its growth and attacking its common problems and meeting its common needs on a coordinated and concerted regional basis. The public investments made in the region under this subtitle shall be concentrated in areas where there is a significant potential for future growth and where the expected return on public dollars invested will be the greatest. States will be responsible for recommending local and state projects within their borders that will receive assistance under this subtitle. As the region obtains the needed physical and transportation facilities and

develops its human resources, Congress expects that the region will generate a diversified industry and that the region will then be able to support itself through the workings of a strengthened free enterprise economy.

(b) 1975 Findings and Purpose. –

(1) Findings. – Congress further finds and declares that while substantial progress has been made toward achieving the purposes set out in subsection (a), especially with respect to the provision of essential public facilities, much remains to be accomplished, especially with respect to the provision of essential health, education, and other public services. Congress recognizes that changes and evolving national purposes in the decade since 1965 affect not only the Appalachian region but also its relationship to a nation that on December 31, 1975, is assigning higher priority to conservation and the quality of life, values long cherished within the region. Appalachia as of December 31, 1975, has the opportunity, in accommodating future growth and development, to demonstrate local leadership and coordinated planning so that housing, public services, transportation and other community facilities will be provided in a way congenial to the traditions and beauty of the region and compatible with conservation values and an enhanced quality of life for the people of the region, and consistent with that goal, the Appalachian region should be able to take advantage of eco-industrial development, which promotes both employment and economic growth and the preservation of natural resources.

Congress recognizes also that fundamental changes are occurring in national energy requirements and production, which not only risk short-term dislocations but will undoubtedly result in major long-term effects in the region. It is essential that the opportunities for expanded energy production be used so as to maximize the social and economic benefits and minimize the social and environmental costs to the region and its people.

(2) Purpose. – It is also the purpose of this subtitle to provide a framework for coordinating federal, state and local efforts toward –

(A) anticipating the effects of alternative energy policies and practices;

(B) planning for accompanying growth and change so as to maximize the social and economic benefits and minimize the social and environmental costs; and

(C) implementing programs and projects carried out in the region by federal, state, and local governmental agencies so as to better meet the special problems generated in the region by the Nation's energy needs and policies, including problems of transportation, housing, community facilities, and human services.

(c) 1998 Findings and Purpose. –

(1) Findings. – Congress further finds and declares that while substantial progress has been made in fulfilling many of the objectives of this subtitle, rapidly changing national and global economies over the decade ending November 13, 1998, have created

new problems and challenges for rural areas throughout the United States and especially for the Appalachian region.

(2) Purpose. – In addition to the purposes stated in subsections (a) and (b), it is the purpose of this subtitle –

(A) to assist the Appalachian region in –

(i) providing the infrastructure necessary for economic and human resource development;

(ii) developing the region's industry;

(iii) building entrepreneurial communities;

(iv) generating a diversified regional economy; and

(v) making the region's industrial and commercial resources more competitive in national and world markets;

(B) to provide a framework for coordinating federal, state, and local initiatives to respond to the economic

competitiveness challenges in the Appalachian region through –

(i) improving the skills of the region's workforce;

(ii) adapting and applying new technologies for the region's businesses, including eco–industrial development technologies; and

(iii) improving the access of the region's businesses to the technical and financial resources necessary to development of the businesses; and

(C) to address the needs of severely and persistently distressed areas of the Appalachian region and focus special attention on the areas of greatest need so as to provide a fairer opportunity for the people of the region to share the

quality of life generally enjoyed by citizens across the United States.

–SOURCE–

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1252.)

–MISC1–

#### HISTORICAL AND REVISION NOTES

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Revised Source (U.S. Code) Source (Statutes at Large)

Section

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14101(a) 40 App.:2(a). Pub. L. 89–4, Sec. 2(a),

Mar. 9, 1965, 79 Stat. 5;

Pub. L. 94–188, title I,

Sec. 102, Dec. 31, 1975, 89

Stat. 1079.

14101(b) 40 App.:2(b). Pub. L. 89–4, Sec. 2(b), as

added Pub. L. 94–188, title

I, Sec. 102, Dec. 31, 1975,

89 Stat. 1079; Pub. L.

107–149, Sec. 2(b)(1), Mar.

12, 2002, 116 Stat. 66.

14101(c) 40 App.:2(c). Pub. L. 89–4, Sec. 2(c), as

added Pub. L. 105–393, title

II, Sec. 202, Nov. 13, 1998,

112 Stat. 3618; Pub. L.

107–149, Sec. 2(b)(2), Mar.

In subsection (b)(1), the words "December 31, 1975" are substituted for "now" for clarity.

In subsection (c)(1), the words "decade ending November 13, 1998" are substituted for "past decade" for clarity.

–End–

–CITE–

40 USC Sec. 14102 01/06/03

–EXPCITE–

TITLE 40 – PUBLIC BUILDINGS, PROPERTY, AND WORKS  
SUBTITLE IV – APPALACHIAN REGIONAL DEVELOPMENT  
CHAPTER 141 – GENERAL PROVISIONS

–HEAD–

Sec. 14102. Definitions

–STATUTE–

(a) Definitions. – In this subtitle –

(1) Appalachian region. – The term "Appalachian region" means that area of the eastern United States consisting of the following counties (including any political subdivision located within the area):

(A) In Alabama, the counties of Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Colbert, Coosa, Cullman, De Kalb, Elmore, Etowah, Fayette, Franklin, Hale, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Macon, Madison, Marion, Marshall, Morgan, Pickens, Randolph,

St. Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker,  
and Winston.

(B) In Georgia, the counties of Banks, Barrow, Bartow,  
Carroll, Catoosa, Chattooga, Cherokee, Dade, Dawson, Douglas,  
Elbert, Fannin, Floyd, Forsyth, Franklin, Gilmer, Gordon,  
Gwinnett, Habersham, Hall, Haralson, Hart, Heard, Jackson,  
Lumpkin, Madison, Murray, Paulding, Pickens, Polk, Rabun,  
Stephens, Towns, Union, Walker, White, and Whitfield.

(C) In Kentucky, the counties of Adair, Bath, Bell, Boyd,  
Breathitt, Carter, Casey, Clark, Clay, Clinton, Cumberland,  
Edmonson, Elliott, Estill, Fleming, Floyd, Garrard, Green,  
Greenup, Harlan, Hart, Jackson, Johnson, Knott, Knox, Laurel,  
Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary,  
Madison, Magoffin, Martin, Menifee, Monroe, Montgomery, Morgan,  
Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Rowan,  
Russell, Wayne, Whitley, and Wolfe.

(D) In Maryland, the counties of Allegany, Garrett, and  
Washington.

(E) In Mississippi, the counties of Alcorn, Benton, Calhoun,  
Chickasaw, Choctaw, Clay, Itawamba, Kemper, Lee, Lowndes,  
Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola,  
Pontotoc, Prentiss, Tippah, Tishomingo, Union, Webster,  
Winston, and Yalobusha.

(F) In New York, the counties of Allegany, Broome,  
Cattaraugus, Chautauqua, Chemung, Chenango, Cortland, Delaware,  
Otsego, Schoharie, Schuyler, Steuben, Tioga, and Tompkins.

(G) In North Carolina, the counties of Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Davie, Forsyth, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Stokes, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey.

(H) In Ohio, the counties of Adams, Athens, Belmont, Brown, Carroll, Clermont, Columbiana, Coshocton, Gallia, Guernsey, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Tuscarawas, Vinton, and Washington.

(I) In Pennsylvania, the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Fayette, Forest, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lawrence, Luzerne, Lycoming, McKean, Mercer, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Washington, Wayne, Westmoreland, and Wyoming.

(J) In South Carolina, the counties of Anderson, Cherokee, Greenville, Oconee, Pickens, and Spartanburg.

(K) In Tennessee, the counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Cannon, Carter, Claiborne, Clay, Cocke, Coffee, Cumberland, De Kalb, Fentress, Franklin, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, McMinn, Macon, Marion, Meigs,

Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Sevier, Smith, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, and White.

(L) In Virginia, the counties of Alleghany, Bath, Bland, Botetourt, Buchanan, Carroll, Craig, Dickenson, Floyd, Giles, Grayson, Highland, Lee, Montgomery, Pulaski, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe.

(M) All the counties of West Virginia.

(2) Local development district. – The term "local development district" means any of the following entities for which the Governor of the State in which the entity is located, or the appropriate state officer, certifies to the Appalachian Regional Commission that the entity has a charter or authority that includes the economic development of counties or parts of counties or other political subdivisions within the region:

(A) a nonprofit incorporated body organized or chartered under the law of the State in which it is located.

(B) a nonprofit agency or instrumentality of a state or local government.

(C) a nonprofit agency or instrumentality created through an interstate compact.

(D) a nonprofit association or combination of bodies, agencies, and instrumentalities described in this paragraph.

(b) Change in Definition. – The Commission may not propose or consider a recommendation for any change in the definition of the Appalachian region as set forth in this section without a prior

resolution by the Committee on Environment and Public Works of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives that directs a study of the change.

–SOURCE–

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1254.)

–MISC1–

#### HISTORICAL AND REVISION NOTES

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Revised Source (U.S. Code) Source (Statutes at Large)

Section

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14102(a)(1) 40 App.:403 (less Pub. L. 89–4, title IV, Sec.

last 2 pars.). 403, Mar. 9, 1965, 79 Stat.

21; Pub. L. 90–103, title I,

Sec. 123, Oct. 11, 1967, 81

Stat. 266; Pub. L. 91–123,

title I, Sec. 110, Nov. 25,

1969, 83 Stat. 215; Pub. L.

101–434, Oct. 17, 1990, 104

Stat. 985; Pub. L. 102–240,

title I, Sec. 1087, Dec. 18,

1991, 105 Stat. 2022; Pub.

L. 103–437, Sec. 14(e), Nov.

2, 1994, 108 Stat. 4591;

Pub. L. 105–178, title I,

Sec. 1222(a), June 9, 1998,

112 Stat. 223; Pub. L.

107–149, Secs. 11, 13(j),

Mar. 12, 2002, 116 Stat. 70,

73.

14102(a)(2) 40 App.:301. Pub. L. 89–4, title III,

Sec. 301, Mar. 9, 1965, 79

Stat. 19.

14102(b) 40 App.:403 (last 2

pars.).

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In subsection (a)(2), the words "the appropriate state official" are substituted for "the State officer designated by the appropriate State law to make such certification" to eliminate unnecessary words. The words "No entity shall be certified as a local development district for the purposes of this Act unless it is one of the following" are omitted as unnecessary.

In subsection (b), the text of 40 App.:403(last par.) is omitted as obsolete.

–SECRET–

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 14525, 14704 of this title; title 33 section 1257; title 42 section 3174.

–End–