

In the House of Representatives, U. S.,

July 15, 2008.

Resolved, That the bill from the Senate (S. 496) entitled “An Act to reauthorize and improve the program authorized by the Apalachian Regional Development Act of 1965”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Appalachian Regional*
3 *Development Act Amendments of 2008”.*

4 ***SEC. 2. LIMITATION ON AVAILABLE AMOUNTS; MAXIMUM***
5 ***COMMISSION CONTRIBUTION.***

6 *(a) GRANTS AND OTHER ASSISTANCE.—Section*
7 *14321(a) of title 40, United States Code, is amended—*

8 *(1) in paragraph (1)(A) by striking clause (i)*
9 *and inserting the following:*

10 *“(i) the amount of the grant shall not*
11 *exceed—*

12 *“(I) 50 percent of administrative*
13 *expenses;*

14 *“(II) at the discretion of the Com-*
15 *mission, if the grant is to a local devel-*

opment district that has a charter or
 authority that includes the economic
 development of a county or a part of a
 county for which a distressed county
 designation is in effect under section
 14526, 75 percent of administrative ex-
 penses; or

“(III) at the discretion of the
 Commission, if the grant is to a local
 development district that has a charter
 or authority that includes the economic
 development of a county or a part of a
 county for which an at-risk county des-
 ignation is in effect under section
 14526, 70 percent of administrative ex-
 penses;” and

(2) in paragraph (2) by striking subparagraph
 (A) and inserting the following:

“(A) *IN GENERAL.*—Except as provided in
 subparagraph (B), of the cost of any activity eli-
 gible for financial assistance under this section,
 not more than—

“(i) 50 percent may be provided from
 amounts appropriated to carry out this sub-
 title;

1 “(ii) in the case of a project to be car-
 2 ried out in a county for which a distressed
 3 county designation is in effect under section
 4 14526, 80 percent may be provided from
 5 amounts appropriated to carry out this sub-
 6 title; or

7 “(iii) in the case of a project to be car-
 8 ried out in a county for which an at-risk
 9 county designation is in effect under section
 10 14526, 70 percent may be provided from
 11 amounts appropriated to carry out this sub-
 12 title.”.

13 (b) *DEMONSTRATION HEALTH PROJECTS.*—Section
 14 14502 of title 40, United States Code, is amended—

15 (1) in subsection (d) by striking paragraph (2)
 16 and inserting the following:

17 “(2) *LIMITATION ON AVAILABLE AMOUNTS.*—
 18 Grants under this section for the operation (including
 19 initial operating amounts and operating deficits,
 20 which include the cost of attracting, training, and re-
 21 taining qualified personnel) of a demonstration health
 22 project, whether or not constructed with amounts au-
 23 thorized to be appropriated by this section, may be
 24 made for up to—

1 “(A) 50 percent of the cost of that oper-
2 ation;

3 “(B) in the case of a project to be carried
4 out in a county for which a distressed county
5 designation is in effect under section 14526, 80
6 percent of the cost of that operation; or

7 “(C) in the case of a project to be carried
8 out for a county for which an at-risk county des-
9 ignation is in effect under section 14526, 70 per-
10 cent of the cost of that operation.”; and

11 (2) in subsection (f)—

12 (A) in paragraph (1) by striking “para-
13 graph (2)” and inserting “paragraphs (2) and
14 (3)”; and

15 (B) by adding at the end the following:

16 “(3) *AT-RISK COUNTIES.*—The maximum Com-
17 mission contribution for a project to be carried out in
18 a county for which an at-risk county designation is
19 in effect under section 14526 may be increased to the
20 lesser of—

21 “(A) 70 percent; or

22 “(B) the maximum Federal contribution
23 percentage authorized by this section.”.

1 (c) *ASSISTANCE FOR PROPOSED LOW- AND MIDDLE-*
 2 *INCOME HOUSING PROJECTS.*—Section 14503 of title 40,
 3 *United States Code, is amended—*

4 (1) *in subsection (d) by striking paragraph (1)*
 5 *and inserting the following:*

6 “(1) *LIMITATION ON AVAILABLE AMOUNTS.*—A
 7 *loan under subsection (b) for the cost of planning and*
 8 *obtaining financing (including the cost of prelimi-*
 9 *nary surveys and analyses of market needs, prelimi-*
 10 *nary site engineering and architectural fees, site op-*
 11 *tions, application and mortgage commitment fees,*
 12 *legal fees, and construction loan fees and discounts)*
 13 *of a project described in that subsection may be made*
 14 *for up to—*

15 “(A) *50 percent of that cost;*

16 “(B) *in the case of a project to be carried*
 17 *out in a county for which a distressed county*
 18 *designation is in effect under section 14526, 80*
 19 *percent of that cost; or*

20 “(C) *in the case of a project to be carried*
 21 *out for a county for which an at-risk county des-*
 22 *ignation is in effect under section 14526, 70 per-*
 23 *cent of that cost.”; and*

24 (2) *in subsection (e) by striking paragraph (1)*
 25 *and inserting the following:*

1 “(1) *IN GENERAL.*—A grant under this section
 2 for expenses incidental to planning and obtaining fi-
 3 nancing for a project under this section that the Sec-
 4 retary considers to be unrecoverable from the proceeds
 5 of a permanent loan made to finance the project
 6 shall—

7 “(A) not be made to an organization estab-
 8 lished for profit; and

9 “(B) except as provided in paragraph (2),
 10 not exceed—

11 “(i) 50 percent of those expenses;

12 “(ii) in the case of a project to be car-
 13 ried out in a county for which a distressed
 14 county designation is in effect under section
 15 14526, 80 percent of those expenses; or

16 “(iii) in the case of a project to be car-
 17 ried out in a county for which an at-risk
 18 county designation is in effect under section
 19 14526, 70 percent of those expenses.”.

20 (d) *TELECOMMUNICATIONS AND TECHNOLOGY INITIA-*
 21 *TIVE.*—Section 14504 of title 40, United States Code, is
 22 amended by striking subsection (b) and inserting the fol-
 23 lowing:

1 “(b) *LIMITATION ON AVAILABLE AMOUNTS.*—Of the
 2 cost of any activity eligible for a grant under this section,
 3 not more than—

4 “(1) 50 percent may be provided from amounts
 5 appropriated to carry out this section;

6 “(2) in the case of a project to be carried out in
 7 a county for which a distressed county designation is
 8 in effect under section 14526, 80 percent may be pro-
 9 vided from amounts appropriated to carry out this
 10 section; or

11 “(3) in the case of a project to be carried out in
 12 a county for which an at-risk county designation is
 13 in effect under section 14526, 70 percent may be pro-
 14 vided from amounts appropriated to carry out this
 15 section.”.

16 (e) *ENTREPRENEURSHIP INITIATIVE.*—Section 14505
 17 of title 40, United States Code, is amended by striking sub-
 18 section (c) and inserting the following:

19 “(c) *LIMITATION ON AVAILABLE AMOUNTS.*—Of the
 20 cost of any activity eligible for a grant under this section,
 21 not more than—

22 “(1) 50 percent may be provided from amounts
 23 appropriated to carry out this section;

24 “(2) in the case of a project to be carried out in
 25 a county for which a distressed county designation is

1 *in effect under section 14526, 80 percent may be pro-*
 2 *vided from amounts appropriated to carry out this*
 3 *section; or*

4 “(3) *in the case of a project to be carried out in*
 5 *a county for which an at-risk county designation is*
 6 *in effect under section 14526, 70 percent may be pro-*
 7 *vided from amounts appropriated to carry out this*
 8 *section.”.*

9 (f) *REGIONAL SKILLS PARTNERSHIPS.*—Section 14506
 10 *of title 40, United States Code, is amended by striking sub-*
 11 *section (d) and inserting the following:*

12 “(d) *LIMITATION ON AVAILABLE AMOUNTS.*—Of the
 13 *cost of any activity eligible for a grant under this section,*
 14 *not more than—*

15 “(1) *50 percent may be provided from amounts*
 16 *appropriated to carry out this section;*

17 “(2) *in the case of a project to be carried out in*
 18 *a county for which a distressed county designation is*
 19 *in effect under section 14526, 80 percent may be pro-*
 20 *vided from amounts appropriated to carry out this*
 21 *section; or*

22 “(3) *in the case of a project to be carried out in*
 23 *a county for which an at-risk county designation is*
 24 *in effect under section 14526, 70 percent may be pro-*

1 *vided from amounts appropriated to carry out this*
 2 *section.”.*

3 *(g) SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.—*
 4 *Section 14507(g) of title 40, United States Code, is amend-*
 5 *ed—*

6 *(1) in paragraph (1) by striking “paragraph*
 7 *(2)” and inserting “paragraphs (2) and (3)”;* and
 8 *(2) by adding at the end the following:*

9 *“(3) AT-RISK COUNTIES.—The maximum Com-*
 10 *mission contribution for a project to be carried out in*
 11 *a county for which an at-risk county designation is*
 12 *in effect under section 14526 may be increased to 70*
 13 *percent.”.*

14 **SEC. 3. ECONOMIC AND ENERGY DEVELOPMENT INITIA-**
 15 **TIVE.**

16 *(a) IN GENERAL.—Subchapter I of chapter 145 of sub-*
 17 *title IV of title 40, United States Code, is amended by add-*
 18 *ing at the end the following:*

19 **“§ 14508. Economic and energy development initiative**

20 *“(a) PROJECTS TO BE ASSISTED.—The Appalachian*
 21 *Regional Commission may provide technical assistance,*
 22 *make grants, enter into contracts, or otherwise provide*
 23 *amounts to persons or entities in the Appalachian region*
 24 *for projects and activities—*

1 “(1) to promote energy efficiency in the Appa-
 2 lachian region to enhance the economic competitive-
 3 ness of the Appalachian region;

4 “(2) to increase the use of renewable energy re-
 5 sources, particularly biomass, in the Appalachian re-
 6 gion to produce alternative transportation fuels, elec-
 7 tricity, and heat; and

8 “(3) to support the development of regional, con-
 9 ventional energy resources to produce electricity and
 10 heat through advanced technologies that achieve a
 11 substantial reduction in emissions, including green-
 12 house gases, over the current baseline.

13 “(b) *LIMITATION ON AVAILABLE AMOUNTS.*—Of the
 14 cost of any activity eligible for a grant under this section,
 15 not more than—

16 “(1) 50 percent may be provided from amounts
 17 appropriated to carry out this section;

18 “(2) in the case of a project to be carried out in
 19 a county for which a distressed county designation is
 20 in effect under section 14526, 80 percent may be pro-
 21 vided from amounts appropriated to carry out this
 22 section; or

23 “(3) in the case of a project to be carried out in
 24 a county for which an at-risk county designation is
 25 in effect under section 14526, 70 percent may be pro-

1 *vided from amounts appropriated to carry out this*
 2 *section.*

3 “(c) *SOURCES OF ASSISTANCE.*—Subject to subsection
 4 (b), grants provided under this section may be provided
 5 from amounts made available to carry out this section in
 6 combination with amounts made available under other Fed-
 7 eral programs or from any other source.

8 “(d) *FEDERAL SHARE.*—Notwithstanding any provi-
 9 sion of law limiting the Federal share under any other Fed-
 10 eral program, amounts made available to carry out this sec-
 11 tion may be used to increase that Federal share, as the Com-
 12 mission decides is appropriate.”.

13 (b) *CONFORMING AMENDMENT.*—The analysis for
 14 chapter 145 of title 40, United States Code, is amended by
 15 inserting after the item relating to section 14507 the fol-
 16 lowing:

 “14508. *Economic and energy development initiative.*”.

17 **SEC. 4. DISTRESSED, AT-RISK, AND ECONOMICALLY**
 18 **STRONG COUNTIES.**

19 (a) *DESIGNATION OF AT-RISK COUNTIES.*—Section
 20 14526 of title 40, United States Code, is amended—

21 (1) in the section heading by inserting “, **at-**
 22 **risk,**” after “**Distressed**”; and

23 (2) in subsection (a)(1)—

24 (A) by redesignating subparagraph (B) as
 25 subparagraph (C);

1 (B) in subparagraph (A) by striking “and”
 2 at the end; and

3 (C) by inserting after subparagraph (A) the
 4 following:

5 “(B) designate as ‘at-risk counties’ those
 6 counties in the Appalachian region that are most
 7 at risk of becoming economically distressed;
 8 and”.

9 (b) *CONFORMING AMENDMENT.*—The analysis for
 10 chapter 145 of such title is amended by striking the item
 11 relating to section 14526 and inserting the following:

“14526. Distressed, at-risk, and economically strong counties.”.

12 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) *IN GENERAL.*—Section 14703(a) of title 40, United
 14 States Code, is amended to read as follows:

15 “(a) *IN GENERAL.*—In addition to amounts made
 16 available under section 14501, there is authorized to be ap-
 17 propriated to the Appalachian Regional Commission to
 18 carry out this subtitle—

19 “(1) \$87,000,000 for fiscal year 2008;

20 “(2) \$100,000,000 for fiscal year 2009;

21 “(3) \$105,000,000 for fiscal year 2010;

22 “(4) \$108,000,000 for fiscal year 2011; and

23 “(5) \$110,000,000 for fiscal year 2012.”.

1 (b) *ECONOMIC AND ENERGY DEVELOPMENT INITIA-*
 2 *TIVE.*—Section 14703(b) of such title is amended to read
 3 *as follows:*

4 “(b) *ECONOMIC AND ENERGY DEVELOPMENT INITIA-*
 5 *TIVE.*—Of the amounts made available under subsection
 6 (a), the following amounts may be used to carry out section
 7 14508—

8 “(1) \$12,000,000 for fiscal year 2008;

9 “(2) \$12,500,000 for fiscal year 2009;

10 “(3) \$13,000,000 for fiscal year 2010;

11 “(4) \$13,500,000 for fiscal year 2011; and

12 “(5) \$14,000,000 for fiscal year 2012.”.

13 (c) *ALLOCATION OF FUNDS.*—Section 14703 of such
 14 title is amended by adding at the end the following:

15 “(d) *ALLOCATION OF FUNDS.*—Funds approved by the
 16 Appalachian Regional Commission for a project in a State
 17 in the Appalachian region pursuant to a congressional di-
 18 rective shall be derived from the total amount allocated to
 19 the State by the Appalachian Regional Commission from
 20 amounts appropriated to carry out this subtitle.”.

21 **SEC. 6. TERMINATION.**

22 Section 14704 of title 40, United States Code, is
 23 amended by striking “2007” and inserting “2012”.

1 **SEC. 7. ADDITIONS TO APPALACHIAN REGION.**

2 (a) *KENTUCKY*.—Section 14102(a)(1)(C) of title 40,
3 *United States Code*, is amended—

4 (1) by inserting “Metcalf,” after “Menifee,”;

5 (2) by inserting “Nicholas,” after “Morgan,”;

6 and

7 (3) by inserting “Robertson,” after “Pulaski,”.

8 (b) *OHIO*.—Section 14102(a)(1)(H) of such title is
9 amended—

10 (1) by inserting “Ashtabula,” after “Adams,”;

11 (2) by inserting “Mahoning,” after “Lawrence,”;

12 and

13 (3) by inserting “Trumbull,” after “Scioto,”.

14 (c) *TENNESSEE*.—Section 14102(a)(1)(K) of such title
15 is amended by inserting “Lawrence, Lewis,” after “Knox,”.

16 (d) *VIRGINIA*.—Section 14102(a)(1)(L) of such title is
17 amended—

18 (1) by inserting “Henry,” after “Grayson,”; and

19 (2) by inserting “Patrick,” after “Montgomery,”.

Attest:

Clerk.

110TH CONGRESS
2D SESSION

S. 496

AMENDMENT