

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 88

To increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans.

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IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1995

Mr. HATFIELD introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Local Empowerment  
5       and Flexibility Act of 1995”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds that—

3 (1) historically, Federal programs have ad-  
4 dressed the Nation's problems by providing categor-  
5 ical financial assistance with detailed requirements  
6 relating to the use of funds;

7 (2) while the assistance described in paragraph  
8 (1) has been directed at critical problems, some pro-  
9 gram requirements may inadvertently impede the ef-  
10 fective delivery of services;

11 (3) the Nation's local governments and private,  
12 nonprofit organizations are dealing with increasingly  
13 complex problems which require the delivery of many  
14 kinds of services;

15 (4) the Nation's communities are diverse, and  
16 different needs are present in different communities;

17 (5) it is more important than ever to provide  
18 programs that—

19 (A) promote more effective and efficient  
20 local delivery of services to meet the full range  
21 of needs of individuals, families, and society;

22 (B) respond flexibly to the diverse needs of  
23 the Nation's communities;

24 (C) reduce the barriers between programs  
25 that impede local governments' ability to effec-  
26 tively deliver services; and

1 (D) empower local governments and pri-  
2 vate, nonprofit organizations to be innovative in  
3 creating programs that meet the unique needs  
4 of their communities while continuing to ad-  
5 dress national policy goals; and

6 (6) many communities have innovative planning  
7 and community involvement strategies for providing  
8 services, but Federal, State, and local regulations  
9 often hamper full implementation of local plans.

10 **SEC. 3. PURPOSES.**

11 The purposes of this Act are to—

12 (1) enable more efficient use of Federal, State,  
13 and local resources;

14 (2) place less emphasis in Federal service pro-  
15 grams on measuring resources and procedures and  
16 more emphasis on achieving Federal, State, and  
17 local policy goals;

18 (3) enable local governments and private, non-  
19 profit organizations to adapt programs of Federal fi-  
20 nancial assistance to the particular needs of their  
21 communities, by—

22 (A) drawing upon appropriations available  
23 from more than one Federal program; and

1 (B) integrating programs and program  
2 funds across existing Federal financial assist-  
3 ance categories; and

4 (4) enable local governments and private, non-  
5 profit organizations to work together and build  
6 stronger cooperative partnerships to address critical  
7 service problems.

8 **SEC. 4. DEFINITIONS.**

9 For purposes of this Act—

10 (1) the term “approved local flexibility plan”  
11 means a local flexibility plan that combines funds  
12 from Federal, State, local government or private  
13 sources to address the service needs of a community  
14 (or any part of such a plan) that is approved by the  
15 Flexibility Council under section 5;

16 (2) the term “community advisory committee”  
17 means such a committee established by a local gov-  
18 ernment under section 9;

19 (3) the term “Flexibility Council” means the  
20 council composed of the—

21 (A) Assistant to the President for Domes-  
22 tic Policy;

23 (B) Assistant to the President for Eco-  
24 nomic Policy;

25 (C) Secretary of the Treasury;

- 1 (D) Attorney General;
- 2 (E) Secretary of the Interior;
- 3 (F) Secretary of Agriculture;
- 4 (G) Secretary of Commerce;
- 5 (H) Secretary of Labor;
- 6 (I) Secretary of Health and Human Serv-
- 7 ices;
- 8 (J) Secretary of Housing and Urban De-
- 9 velopment;
- 10 (K) Secretary of Transportation;
- 11 (L) Secretary of Education;
- 12 (M) Secretary of Energy;
- 13 (N) Secretary of Veterans Affairs;
- 14 (O) Secretary of Defense;
- 15 (P) Director of Federal Emergency Man-
- 16 agement Agency;
- 17 (Q) Administrator of the Environmental
- 18 Protection Agency;
- 19 (R) Director of National Drug Control
- 20 Policy;
- 21 (S) Administrator of the Small Business
- 22 Administration;
- 23 (T) Director of the Office of Management
- 24 and Budget; and

1 (U) Chair of the Council of Economic Ad-  
2 visers.

3 (4) the term “covered Federal financial assist-  
4 ance program” means an eligible Federal financial  
5 assistance program that is included in a local flexi-  
6 bility plan of a local government;

7 (5) the term “eligible Federal financial assist-  
8 ance program”—

9 (A) means a Federal program under which  
10 financial assistance is available, directly or indi-  
11 rectly, to a local government or a qualified or-  
12 ganization to carry out the specified program;  
13 and

14 (B) does not include a Federal program  
15 under which financial assistance is provided by  
16 the Federal Government directly to a bene-  
17 ficiary of that financial assistance or to a State  
18 as a direct payment to an individual;

19 (6) the term “eligible local government” means  
20 a local government that is eligible to receive finan-  
21 cial assistance under 1 or more covered Federal pro-  
22 grams;

23 (7) the term “local flexibility plan” means a  
24 comprehensive plan for the integration and adminis-  
25 tration by a local government of financial assistance

1 provided by the Federal Government under 2 or  
2 more eligible Federal financial assistance programs;

3 (8) the term “local government” means a sub-  
4 division of a State that is a unit of general local gov-  
5 ernment (as defined under section 6501 of title 31,  
6 United States Code);

7 (9) the term “priority funding” means giving  
8 higher priority (including by the assignment of extra  
9 points, if applicable) to applications for Federal fi-  
10 nancial assistance submitted by a local government  
11 having an approved local flexibility program, by—

12 (A) a person located in the jurisdiction of  
13 such a government; or

14 (B) a qualified organization eligible for as-  
15 sistance under a covered Federal financial as-  
16 sistance program included in such a plan;

17 (10) the term “qualified organization” means a  
18 private, nonprofit organization described in section  
19 501(c)(3) of the Internal Revenue Code of 1986 that  
20 is exempt from taxation under section 501(a) of the  
21 Internal Revenue Code of 1986; and

22 (11) the term “State” means the 50 States, the  
23 District of Columbia, Puerto Rico, American Samoa,  
24 Guam, and the Virgin Islands.

1 **SEC. 5. PROVISION OF FEDERAL FINANCIAL ASSISTANCE IN**  
2 **ACCORDANCE WITH APPROVED LOCAL**  
3 **FLEXIBILITY PLAN.**

4 (a) PAYMENTS TO LOCAL GOVERNMENTS.—Notwith-  
5 standing any other provision of law, amounts available to  
6 a local government or a qualified organization under a cov-  
7 ered Federal financial assistance program included in an  
8 approved local flexibility plan shall be provided to and  
9 used by the local government or organization in accord-  
10 ance with the approved local flexibility plan.

11 (b) ELIGIBILITY FOR BENEFITS.—An individual or  
12 family that is eligible for benefits or services under a cov-  
13 ered Federal financial assistance program included in an  
14 approved local flexibility plan may receive those benefits  
15 only in accordance with the approved local flexibility plan.

16 **SEC. 6. APPLICATION FOR APPROVAL OF LOCAL FLEXIBIL-**  
17 **ITY PLAN.**

18 (a) IN GENERAL.—A local government may submit  
19 to the Flexibility Council in accordance with this section  
20 an application for approval of a local flexibility plan.

21 (b) CONTENTS OF APPLICATION.—An application  
22 submitted under this section shall include—

23 (1)(A) a proposed local flexibility plan that  
24 complies with subsection (c); or

25 (B) a strategic plan submitted in application  
26 for designation as an enterprise community or an



1 empowerment zone under section 1391 of the Inter-  
2 nal Revenue Code of 1986;

3 (2) certification by the chief executive of the  
4 local government, and such additional assurances as  
5 may be required by the Flexibility Council, that—

6 (A) the local government has the ability  
7 and authority to implement the proposed plan,  
8 directly or through contractual or other ar-  
9 rangements, throughout the geographic area in  
10 which the proposed plan is intended to apply;  
11 and

12 (B) amounts are available from non-Fed-  
13 eral sources to pay the non-Federal share of all  
14 covered Federal financial assistance programs  
15 included in the proposed plan; and

16 (3) any comments on the proposed plan submit-  
17 ted under subsection (d) by the Governor of the  
18 State in which the local government is located;

19 (4) public comments on the plan including the  
20 transcript of at least 1 public hearing and comments  
21 of the appropriate community advisory committee  
22 established under section 9; and

23 (5) other relevant information the Flexibility  
24 Council may require to approve the proposed plan.

1 (c) CONTENTS OF PLAN.—A local flexibility plan sub-  
2 mitted by a local government under this section shall  
3 include—

4 (1) the geographic area to which the plan ap-  
5 plies and the rationale for defining the area;

6 (2) the particular groups of individuals, by serv-  
7 ice needs, economic circumstances, or other defining  
8 factors, who shall receive services and benefits under  
9 the plan;

10 (3)(A) specific goals and measurable perform-  
11 ance criteria, a description of how the plan is ex-  
12 pected to attain those goals and criteria;

13 (B) a description of how performance shall be  
14 measured; and

15 (C) a system for the comprehensive evaluation  
16 of the impact of the plan on participants, the com-  
17 munity, and program costs;

18 (4) the eligible Federal financial assistance pro-  
19 grams to be included in the plan as covered Federal  
20 financial assistance programs and the specific bene-  
21 fits that shall be provided under the plan under such  
22 programs, including—

23 (A) criteria for determining eligibility for  
24 benefits under the plan;

25 (B) the services available;

1 (C) the amounts and form (such as cash,  
2 in-kind contributions, or financial instruments)  
3 of nonservice benefits; and

4 (D) any other descriptive information the  
5 Flexibility Council considers necessary to ap-  
6 prove the plan;

7 (5) except for the requirements under section  
8 8(b)(3), any Federal statutory or regulatory require-  
9 ment applicable under a covered Federal financial  
10 assistance program included in the plan, the waiver  
11 of which is necessary to implement the plan;

12 (6) fiscal control and related accountability pro-  
13 cedures applicable under the plan;

14 (7) a description of the sources of all non-Fed-  
15 eral funds that are required to carry out covered  
16 Federal financial assistance programs included in  
17 the plan;

18 (8) written consent from each qualified organi-  
19 zation for which consent is required under section  
20 6(b)(2); and

21 (9) other relevant information the Flexibility  
22 Council may require to approve the plan.

23 (d) PROCEDURE FOR APPLYING.—(1) To apply for  
24 approval of a local flexibility plan, a local government shall  
25 submit an application in accordance with this section to

1 the Governor of the State in which the local government  
2 is located.

3 (2) A Governor who receives an application from a  
4 local government under paragraph (1) may, by no later  
5 than 30 days after the date of that receipt—

6 (A) prepare comments on the proposed local  
7 flexibility plan included in the application;

8 (B) describe any State laws which are necessary  
9 to waive for successful implementation of a local  
10 plan; and

11 (C) submit the application and comments to the  
12 Flexibility Council.

13 (3) If a Governor fails to act within 30 days after  
14 receiving an application under paragraph (2), the applica-  
15 ble local government may submit the application to the  
16 Flexibility Council.

17 **SEC. 7. REVIEW AND APPROVAL OF LOCAL FLEXIBILITY**  
18 **PLANS.**

19 (a) REVIEW OF APPLICATIONS.—Upon receipt of an  
20 application for approval of a local flexibility plan under  
21 this Act, the Flexibility Council shall—

22 (1) approve or disapprove all or part of the plan  
23 within 45 days after receipt of the application;

1           (2) notify the applicant in writing of that ap-  
2           proval or disapproval by not later than 15 days after  
3           the date of that approval or disapproval; and

4           (3) in the case of any disapproval of a plan, in-  
5           clude a written justification of the reasons for dis-  
6           approval in the notice of disapproval sent to the  
7           applicant.

8           (b) APPROVAL.—(1) The Flexibility Council may ap-  
9           prove a local flexibility plan for which an application is  
10          submitted under this Act, or any part of such a plan, if  
11          a majority of members of the Council determines that—

12           (A) the plan or part shall improve the effective-  
13          ness and efficiency of providing benefits under cov-  
14          ered Federal programs included in the plan by re-  
15          ducing administrative inflexibility, duplication, and  
16          unnecessary expenditures;

17           (B) the applicant local government has ade-  
18          quately considered, and the plan or part of the plan  
19          appropriately addresses, any effect that administra-  
20          tion of each covered Federal program under the plan  
21          or part of the plan shall have on administration of  
22          the other covered Federal programs under that plan  
23          or part of the plan;

24           (C) the applicant local government has or is de-  
25          veloping data bases, planning, and evaluation proc-

1       esses that are adequate for implementing the plan or  
2       part of the plan;

3               (D) the plan shall more effectively achieve Fed-  
4       eral financial assistance goals at the local level and  
5       shall better meet the needs of local citizens;

6               (E) implementation of the plan or part of the  
7       plan shall adequately achieve the purposes of this  
8       Act and of each covered Federal financial assistance  
9       program under the plan or part of the plan;

10              (F) the plan and the application for approval of  
11       the plan comply with the requirements of this Act;

12              (G) the plan or part of the plan is adequate to  
13       ensure that individuals and families that receive ben-  
14       efits under covered Federal financial assistance pro-  
15       grams included in the plan or part shall continue to  
16       receive benefits that meet the needs intended to be  
17       met under the program; and

18              (H) the local government has—

19                      (i) waived the corresponding local laws nec-  
20                      essary for implementation of the plan; and

21                      (ii) sought any necessary waivers from the  
22                      State.

23       (2) The Flexibility Council may not approve any part  
24       of a local flexibility plan if—

1 (A) implementation of that part would result in  
2 any increase in the total amount of obligations or  
3 outlays of discretionary appropriations or direct  
4 spending under covered Federal financial assistance  
5 programs included in that part, over the amounts of  
6 such obligations and outlays that would occur under  
7 those programs without implementation of the part;  
8 or

9 (B) in the case of a plan or part that applies  
10 to assistance to a qualified organization under an el-  
11 igible Federal financial assistance program, the  
12 qualified organization does not consent in writing to  
13 the receipt of that assistance in accordance with the  
14 plan.

15 (3) The Flexibility Council shall disapprove a part of  
16 a local flexibility plan if a majority of the Council dis-  
17 approves that part of the plan based on a failure of the  
18 part to comply with paragraph (1).

19 (4) In approving any part of a local flexibility plan,  
20 the Flexibility Council shall specify the period during  
21 which the part is effective. An approved local flexibility  
22 plan shall not be effective after the date of the termination  
23 of effectiveness of this Act under section 13.

24 (5) Disapproval by the Flexibility Council of any part  
25 of a local flexibility plan submitted by a local government

1 under this Act shall not affect the eligibility of a local gov-  
2 ernment, a qualified organization, or any individual for  
3 benefits under any Federal program.

4 (c) MEMORANDA OF UNDERSTANDING.—(1) The  
5 Flexibility Council may not approve a part of a local flexi-  
6 bility plan unless each local government and each qualified  
7 organization that would receive financial assistance under  
8 the plan enters into a memorandum of understanding  
9 under this subsection with the Flexibility Council.

10 (2) A memorandum of understanding under this sub-  
11 section shall specify all understandings that have been  
12 reached by the Flexibility Council, the local government,  
13 and each qualified organization that is subject to a local  
14 flexibility plan, regarding the approval and implementa-  
15 tion of all parts of a local flexibility plan that are the sub-  
16 ject of the memorandum, including understandings with  
17 respect to—

18 (A) all requirements under covered Federal fi-  
19 nancial assistance programs that are to be waived by  
20 the Flexibility Council under section 8(b);

21 (B)(i) the total amount of Federal funds that  
22 shall be provided as benefits under or used to ad-  
23 minister covered Federal financial assistance pro-  
24 grams included in those parts; or



1           (ii) a mechanism for determining that amount,  
2 including specification of the total amount of Fed-  
3 eral funds that shall be provided or used under each  
4 covered Federal financial assistance program in-  
5 cluded in those parts;

6           (C) the sources of all non-Federal funds that  
7 shall be provided as benefits under or used to ad-  
8 minister those parts;

9           (D) measurable performance criteria that shall  
10 be used during the term of those parts to determine  
11 the extent to which the goals and performance levels  
12 of the parts are achieved; and

13           (E) the data to be collected to make that deter-  
14 mination.

15           (d) LIMITATION ON CONFIDENTIALITY REQUIRE-  
16 MENTS.—The Flexibility Council may not, as a condition  
17 of approval of any part of a local flexibility plan or with  
18 respect to the implementation of any part of an approved  
19 local flexibility plan, establish any confidentiality require-  
20 ment that would—

21           (1) impede the exchange of information needed  
22 for the design or provision of benefits under the  
23 parts; or

24           (2) conflict with law.

1 **SEC. 8. IMPLEMENTATION OF APPROVED LOCAL FLEXIBIL-**  
2 **ITY PLANS; WAIVER OF REQUIREMENTS.**

3 (a) PAYMENTS AND ADMINISTRATION IN ACCORD-  
4 ANCE WITH PLAN.—Notwithstanding any other law, any  
5 benefit that is provided under a covered Federal financial  
6 assistance program included in an approved local flexibil-  
7 ity plan shall be paid and administered in the manner  
8 specified in the approved local flexibility plan.

9 (b) WAIVER OF REQUIREMENTS.—(1) Notwithstand-  
10 ing any other law and subject to paragraphs (2) and (3),  
11 the Flexibility Council may waive any requirement applica-  
12 ble under Federal law to the administration of, or provi-  
13 sion of benefits under, any covered Federal assistance pro-  
14 gram included in an approved local flexibility plan, if that  
15 waiver is—

16 (A) reasonably necessary for the implementa-  
17 tion of the plan; and

18 (B) approved by a majority of members of the  
19 Flexibility Council.

20 (2) The Flexibility Council may not waive a require-  
21 ment under this subsection unless the Council finds that  
22 waiver of the requirement shall not result in a qualitative  
23 reduction in services or benefits for any individual or fam-  
24 ily that is eligible for benefits under a covered Federal fi-  
25 nancial assistance program.

1       (3) The Flexibility Council may not waive any re-  
2       quirement under this subsection—

3               (A) that enforces any constitutional or statu-  
4       tory right of an individual, including any right  
5       under—

6               (i) title VI of the Civil Rights Act of 1964  
7       (42 U.S.C. 2000d et seq.);

8               (ii) section 504 of the Rehabilitation Act of  
9       1973 (29 U.S.C. 701 et seq.);

10              (iii) title IX of the Education Amendments  
11       of 1972 (86 Stat. 373 et seq.);

12              (iv) the Age Discrimination Act of 1975  
13       (42 U.S.C. 6101 et seq.); or

14              (v) the Americans with Disabilities Act of  
15       1990;

16              (B) for payment of a non-Federal share of  
17       funding of an activity under a covered Federal fi-  
18       nancial assistance program; or

19              (C) for grants received on a maintenance of ef-  
20       fort basis.

21       (c) SPECIAL ASSISTANCE.—To the extent permitted  
22       by law, the head of each Federal agency shall seek to pro-  
23       vide special assistance to a local government or qualified  
24       organization to support implementation of an approved

1 local flexibility plan, including expedited processing, prior-  
2 ity funding, and technical assistance.

3 (d) EVALUATION AND TERMINATION.—(1) A local  
4 government, in accordance with regulations issued by the  
5 Flexibility Council, shall—

6 (A) submit such reports on and cooperate in  
7 such audits of the implementation of its approved  
8 local flexibility plan; and

9 (B) periodically evaluate the effect implementa-  
10 tion of the plan has had on—

11 (i) individuals who receive benefits under  
12 the plan;

13 (ii) communities in which those individuals  
14 live; and

15 (iii) costs of administering covered Federal  
16 financial assistance programs included in the  
17 plan.

18 (2) No later than 90 days after the end of the 1-  
19 year period beginning on the date of the approval by the  
20 Flexibility Council of an approved local flexibility plan of  
21 a local government, and annually thereafter, the local gov-  
22 ernment shall submit to the Flexibility Council a report  
23 on the principal activities and achievements under the plan  
24 during the period covered by the report, comparing those

1 achievements to the goals and performance criteria in-  
2 cluded in the plan under section 6(c)(3).

3 (3)(A) The Flexibility Council may terminate the ef-  
4 fectiveness of an approved local flexibility plan, if the  
5 Flexibility Council, after consultation with the head of  
6 each Federal agency responsible for administering a cov-  
7 ered Federal financial assistance program included in  
8 such, determines—

9 (i) that the goals and performance criteria in-  
10 cluded in the plan under section 6(c)(3) have not  
11 been met; and

12 (ii) after considering any experiences gained in  
13 implementation of the plan, that those goals and cri-  
14 teria are sound.

15 (B) In terminating the effectiveness of an approved  
16 local flexibility plan under this paragraph, the Flexibility  
17 Council shall allow a reasonable period of time for appro-  
18 priate Federal, State, and local agencies and qualified or-  
19 ganizations to resume administration of Federal programs  
20 that are covered Federal financial assistance programs in-  
21 cluded in the plan.

22 (e) FINAL REPORT; EXTENSION OF PLANS.—(1) No  
23 later than 45 days after the end of the effective period  
24 of an approved local flexibility plan of a local government,  
25 or at any time that the local government determines that

1 the plan has demonstrated its worth, the local government  
2 shall submit to the Flexibility Council a final report on  
3 its implementation of the plan, including a full evaluation  
4 of the successes and shortcomings of the plan and the ef-  
5 fects of that implementation on individuals who receive  
6 benefits under those programs.

7 (2) The Flexibility Council may extend the effective  
8 period of an approved local flexibility plan for such period  
9 as may be appropriate, based on the report of a local gov-  
10 ernment under paragraph (1).

11 **SEC. 9. COMMUNITY ADVISORY COMMITTEES.**

12 (a) ESTABLISHMENT.—A local government that ap-  
13 plies for approval of a local flexibility plan under this Act  
14 shall establish a community advisory committee in accord-  
15 ance with this section.

16 (b) FUNCTIONS.—A community advisory committee  
17 shall advise a local government in the development and  
18 implementation of its local flexibility plan, including advice  
19 with respect to—

20 (1) conducting public hearings; and

21 (2) reviewing and commenting on all commu-  
22 nity policies, programs, and actions under the plan  
23 which affect low income individuals and families,  
24 with the purpose of ensuring maximum coordination

1 and responsiveness of the plan in providing benefits  
2 under the plan to those individuals and families.

3 (c) MEMBERSHIP.—The membership of a community  
4 advisory committee shall—

5 (1) consist of—

6 (A) persons with leadership experience in  
7 the private and voluntary sectors;

8 (B) local elected officials;

9 (C) representatives of participating quali-  
10 fied organizations; and

11 (D) the general public; and

12 (2) include individuals and representatives of  
13 community organizations who shall help to enhance  
14 the leadership role of the local government in devel-  
15 oping a local flexibility plan.

16 (d) OPPORTUNITY FOR REVIEW AND COMMENT BY  
17 COMMITTEE.—Before submitting an application for ap-  
18 proval of a final proposed local flexibility plan, a local gov-  
19 ernment shall submit the final proposed plan for review  
20 and comment by a community advisory committee estab-  
21 lished by the local government.

22 (e) COMMITTEE REVIEW OF REPORTS.—Before sub-  
23 mitting annual or final reports on an approved Federal  
24 assistance plan, a local government or private nonprofit

1 organization shall submit the report for review and com-  
2 ment to the community advisory committee.

3 **SEC. 10. TECHNICAL AND OTHER ASSISTANCE.**

4 (a) TECHNICAL ASSISTANCE.—(1) The Flexibility  
5 Council may provide, or direct that the head of a Federal  
6 agency provide, technical assistance to a local government  
7 or qualified organization in developing information nec-  
8 essary for the design or implementation of a local flexibil-  
9 ity plan.

10 (2) Assistance may be provided under this subsection  
11 if a local government makes a request that includes, in  
12 accordance with requirements established by the Flexibil-  
13 ity Council—

14 (A) a description of the local flexibility plan the  
15 local government proposes to develop;

16 (B) a description of the groups of individuals to  
17 whom benefits shall be provided under covered Fed-  
18 eral assistance programs included in the plan; and

19 (C) such assurances as the Flexibility Council  
20 may require that—

21 (i) in the development of the application to  
22 be submitted under this title for approval of the  
23 plan, the local government shall provide ade-  
24 quate opportunities to participate to—



1 (I) individuals and families that shall  
2 receive benefits under covered Federal fi-  
3 nancial assistance programs included in  
4 the plan; and

5 (II) governmental agencies that ad-  
6 minister those programs; and

7 (ii) the plan shall be developed after con-  
8 sidering fully—

9 (I) needs expressed by those individ-  
10 uals and families;

11 (II) community priorities; and

12 (III) available governmental resources  
13 in the geographic area to which the plan  
14 shall apply.

15 (b) DETAILS TO COUNCIL.—At the request of the  
16 Flexibility Council and with the approval of an agency  
17 head who is a member of the Council, agency staff may  
18 be detailed to the Flexibility Council on a nonreimbursable  
19 basis.

20 **SEC. 11. FLEXIBILITY COUNCIL.**

21 (a) FUNCTIONS.—The Flexibility Council shall—

22 (1) receive, review, and approve or disapprove  
23 local flexibility plans for which approval is sought  
24 under this Act;

1           (2) upon request from an applicant for such ap-  
2           proval, direct the head of an agency that administers  
3           a covered Federal financial assistance program  
4           under which substantial Federal financial assistance  
5           would be provided under the plan to provide tech-  
6           nical assistance to the applicant;

7           (3) monitor the progress of development and  
8           implementation of local flexibility plans;

9           (4) perform such other functions as are as-  
10          signed to the Flexibility Council by this Act; and

11          (5) issue regulations to implement this Act  
12          within 180 days after the date of its enactment.

13          (b) REPORTS.—No less than 18 months after the  
14          date of the enactment of this Act, and annually thereafter,  
15          the Flexibility Council shall submit a report on the 5 Fed-  
16          eral regulations that are most frequently waived by the  
17          Flexibility Council for local governments with approved  
18          local flexibility plans to the President and the Congress.  
19          The President shall review the report and determine  
20          whether to amend or terminate such Federal regulations.

21          **SEC. 12. REPORT.**

22          No later than 54 months after the date of the enact-  
23          ment of this Act, the Comptroller General of the United  
24          States shall submit to the Congress, a report that—

1 (1) describes the extent to which local govern-  
2 ments have established and implemented approved  
3 local flexibility plans;

4 (2) evaluates the effectiveness of covered Fed-  
5 eral assistance programs included in approved local  
6 flexibility plans; and

7 (3) includes recommendations with respect to  
8 local flexibility.

9 **SEC. 13. CONDITIONAL TERMINATION.**

10 This Act is repealed on the date that is 5 years after  
11 the date of the enactment of this Act unless extended by  
12 the Congress through the enactment of the resolution de-  
13 scribed under section 14.

14 **SEC. 14. JOINT RESOLUTION FOR THE CONTINUATION AND**  
15 **EXPANSION OF LOCAL FLEXIBILITY PRO-**  
16 **GRAMS.**

17 (a) DESCRIPTION OF RESOLUTION.—A resolution re-  
18 ferred to under section 13 is a joint resolution the matter  
19 after the resolving clause is as follows: “That Congress  
20 approves the application of local flexibility plans to all  
21 local governments in the United States in accordance with  
22 the Local Empowerment and Flexibility Act of 1995, and  
23 that—

1           “(1) if the provisions of such Act have not been  
2           repealed under section 13 of such Act, such provi-  
3           sions shall remain in effect; and

4           “(2) if the repeal under section 13 of such Act  
5           has taken effect, the provisions of such Act shall be  
6           effective as though such provisions had not been re-  
7           pealed.”.

8           (b) INTRODUCTION.—No later than 30 days after the  
9           transmittal by the Comptroller General of the United  
10          States to the Congress of the report required in section  
11          12, a resolution as described under subsection (a) shall  
12          be introduced in the Senate by the chairman of the Com-  
13          mittee on Governmental Affairs, or by a Member or Mem-  
14          bers of the Senate designated by such chairman, and shall  
15          be introduced in the House of Representatives by the  
16          Chairman of the Committee on Government Operations,  
17          or by a Member or Members of the House of Representa-  
18          tives designated by such chairman.

19          (c) REFERRAL.—A resolution as described under sub-  
20          section (a) shall be referred to the Committee on Govern-  
21          mental Affairs of the Senate and the Committee on Gov-  
22          ernment Operations of the House of Representatives. The  
23          committee shall make its recommendations to the Senate  
24          or House of Representatives within 30 calendar days of  
25          the date of such resolution’s introduction.

1 (d) DISCHARGE FROM COMMITTEE.—If the commit-  
2 tee to which a resolution is referred has not reported such  
3 resolution at the end of 30 calendar days after its intro-  
4 duction, that committee shall be deemed to be discharged  
5 from further consideration of such resolution and such  
6 resolution shall be placed on the appropriate calendar of  
7 the House involved.

8 (e) VOTE ON FINAL PASSAGE.—When the committee  
9 has reported or has been deemed to be discharged from  
10 further consideration of a resolution described under sub-  
11 section (a), it is at any time thereafter in order for any  
12 Member of the respective House to move to proceed to  
13 the consideration of the resolution.

14 (f) RULES OF THE SENATE AND HOUSE.—This sec-  
15 tion is enacted by Congress—

16 (1) as an exercise of the rulemaking power of  
17 the Senate and House of Representatives, respec-  
18 tively, and as such it is deemed a part of the rules  
19 of each House, respectively, but applicable only with  
20 respect to the procedure to be followed in that  
21 House in the case of a resolution described in sub-  
22 section (a), and it supersedes other rules only to the  
23 extent that it is inconsistent with such rules; and

24 (2) with full recognition of the constitutional  
25 right of either House to change the rules (so far as

- 1 relating to the procedure of that House) at any time,
- 2 in the same manner, and to the same extent as in
- 3 the case of any other rule of that House.

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