

106TH CONGRESS
1ST SESSION

S. 1622

To provide economic, planning, and coordination assistance needed for the development of the lower Mississippi River region.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 1999

Mrs. LINCOLN (for herself, Mr. FRIST, Ms. LANDRIEU, Mr. HUTCHINSON, Mr. BREAUX, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide economic, planning, and coordination assistance needed for the development of the lower Mississippi River region.

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 “Delta Regional Author-
5 ity Act of 1999”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the lower Mississippi River region (referred
9 to in this Act as the “region”), though rich in nat-

1 ural and human resources, lags behind the rest of
2 the United States in economic growth and pros-
3 perity;

4 (2) the region suffers from a greater proportion
5 of measurable poverty and unemployment than any
6 other region of the United States, resulting in a
7 drain on the national economy and diminishing na-
8 tional wealth;

9 (3) the greatest hope for economic growth and
10 revitalization in the region lies in the creation of
11 jobs, the expansion of businesses, and the develop-
12 ment of entrepreneurial local economies;

13 (4) the economic progress of the region requires
14 an adequate physical infrastructure, a skilled and
15 trained workforce, enhanced local leadership and
16 civic capacity, and greater opportunities for enter-
17 prise development and entrepreneurship;

18 (5) a concerted and coordinated effort among
19 Federal, State, and local agencies, the private sector,
20 nonprofit groups, and community-based organiza-
21 tions is needed if the region is to share in the pros-
22 perity of the United States;

23 (6) economic development planning on a re-
24 gional or multicounty basis offers the best prospect

1 for achieving the maximum benefit from public and
2 private investments; and

3 (7) improving the economy of the region re-
4 quires a special emphasis on those of the region that
5 are most economically distressed.

6 (b) PURPOSES.—The purposes of this Act are—

7 (1) to promote and encourage the economic de-
8 velopment of the region—

9 (A) to ensure that the communities and
10 people in the region have the opportunity to
11 participate more fully in the prosperity of the
12 United States; and

13 (B) to ensure that the economy of the re-
14 gion reaches economic parity with that of the
15 rest of the United States;

16 (2) to establish a formal framework for joint
17 Federal-State collaboration in meeting and focusing
18 national attention on the economic development
19 needs of the region;

20 (3) to assist the region in obtaining the basic
21 infrastructure, skills training, local leadership capac-
22 ity, and opportunities for enterprise development
23 that are essential for strong local economies;

24 (4) to foster coordination among all levels of
25 government, the private sector, community organiza-

1 tions, and nonprofit groups in crafting common re-
 2 gional strategies that will lead to broader economic
 3 growth;

4 (5) to strengthen efforts that emphasize re-
 5 gional approaches to economic development and
 6 planning;

7 (6) to encourage the participation of interested
 8 citizens, public officials, groups, agencies, and others
 9 in developing and implementing local and regional
 10 plans for broad-based economic and community de-
 11 velopment; and

12 (7) to focus special attention on areas of the re-
 13 gion that suffer from the greatest economic distress.

14 **SEC. 3. DELTA REGIONAL AUTHORITY.**

15 The Consolidated Farm and Rural Development Act
 16 (7 U.S.C. 1921 et seq.) is amended by adding at the end
 17 the following:

18 **“Subtitle F—Delta Regional**
 19 **Authority**

20 **“SEC. 382A. DEFINITIONS.**

21 “In this subtitle:

22 “(1) **AUTHORITY.**—The term ‘Authority’ means
 23 the Delta Regional Authority established by section
 24 382B.

1 “(2) REGION.—The term ‘region’ means areas
2 in the States of Arkansas, Illinois, Kentucky, Lou-
3 isiana, Mississippi, Missouri, and Tennessee, as de-
4 fined under section 4 of the Lower Mississippi Delta
5 Development Act (Public Law 100–460; 42 U.S.C.
6 3121 note).

7 “(3) FEDERAL GRANT PROGRAM.—The term
8 ‘Federal grant program’ means a Federal grant pro-
9 gram to provide assistance in—

10 “(A) acquiring or developing land;

11 “(B) constructing or equipping a facility;

12 or

13 “(C) carrying out other community or eco-
14 nomic development or economic adjustment ac-
15 tivities.

16 **“SEC. 382B. DELTA REGIONAL AUTHORITY.**

17 “(a) ESTABLISHMENT.—

18 “(1) IN GENERAL.—There is established the
19 Delta Regional Authority.

20 “(2) COMPOSITION.—The Authority shall be
21 composed of—

22 “(A) a Federal member, to be appointed
23 by the President, with the advice and consent
24 of the Senate; and

1 “(B) the Governor (or a designee of the
2 Governor) of each State in the region that
3 elects to participate in the Authority.

4 “(3) COCHAIRPERSONS.—The Authority shall
5 be headed by 2 cochairpersons, which shall be—

6 “(A) the Federal member, who shall
7 serve—

8 “(i) as the Federal cochairperson; and

9 “(ii) as a liaison between the Federal
10 Government and the Authority; and

11 “(B) a State cochairperson, who—

12 “(i) shall be a Governor of a partici-
13 pating State in the region; and

14 “(ii) shall be elected by the State
15 members for a term of not less than 1
16 year.

17 “(b) ALTERNATE MEMBERS.—

18 “(1) STATE ALTERNATES.—Each State member
19 may have a single alternate, appointed by the Gov-
20 ernor from among the members of the cabinet or the
21 personal staff of the Governor.

22 “(2) ALTERNATE FEDERAL COCHAIRPERSON.—

23 The President shall appoint an alternate Federal co-
24 chairperson.

1 “(3) QUORUM.—A State alternate shall not be
2 counted toward the establishment of a quorum of
3 the Authority in any instance in which a quorum of
4 the State members is required to be present.

5 “(4) DELEGATION OF POWER.—No power or
6 responsibility of the Authority specified in para-
7 graphs (2) and (3) of subsection (b), and no voting
8 right of any Authority member, shall be delegated to
9 any person—

10 “(A) who is not a Authority member; or

11 “(B) who is not entitled to vote in Author-
12 ity meetings.

13 “(c) VOTING.—

14 “(1) IN GENERAL.—Except as provided in sec-
15 tion 382I(d), decisions by the Authority shall require
16 the affirmative vote of the Federal cochairperson
17 and of a majority of the State members (not includ-
18 ing a member representing a State that is delin-
19 quent under subsection (g)(2)(C).

20 “(2) QUORUM.—A quorum of State members
21 shall be required to be present for the Authority to
22 make any policy decision, including—

23 “(A) a modification or revision of a Au-
24 thority policy decision;

1 “(B) approval of a State or regional devel-
2 opment plan; and

3 “(C) any allocation of funds among the
4 States.

5 “(3) PROJECT AND GRANT PROPOSALS.—The
6 approval of project and grant proposals shall be—

7 “(A) a responsibility of the Authority; and

8 “(B) conducted in accordance with section
9 382I.

10 “(4) VOTING BY ALTERNATE MEMBERS.—An
11 alternate member shall vote in the case of the ab-
12 sence, death, disability, removal, or resignation of
13 the State or Federal representative for which the al-
14 ternate member is an alternate.

15 “(d) DUTIES.—The Authority shall—

16 “(1) develop, on a continuing basis, comprehen-
17 sive and coordinated plans and programs to establish
18 priorities and approve grants for the economic devel-
19 opment of the region, giving due consideration to
20 other Federal, State, and local planning and devel-
21 opment activities in the region;

22 “(2) not later than 220 days after the date of
23 enactment of this subtitle, establish priorities in a
24 development plan for the region (including 5-year re-
25 gional outcome targets);

1 “(3) provide for an understanding of the needs
2 and assets of the region through research, dem-
3 onstration, investigation, assessment, and evaluation
4 of the region, in cooperation with Federal, State,
5 and local agencies, universities, local development
6 districts, and other nonprofit groups, as appropriate;

7 “(4) review and study, in cooperation with the
8 appropriate agencies, Federal, State, and local pub-
9 lic and private programs in the region;

10 “(5) recommend any modification or addition to
11 a program described in paragraph (4) that could in-
12 crease the effectiveness of the program;

13 “(6) formulate and recommend interstate com-
14 pacts and other forms of interstate cooperation;

15 “(7) work with State and local agencies in de-
16 veloping appropriate model legislation;

17 “(8) encourage the formation of, build the ca-
18 pacity of, and provide support for, local development
19 districts in the region;

20 “(9) encourage private investment in industrial,
21 commercial, and other economic development
22 projects in the region;

23 “(10) serve as a focal point and coordinating
24 unit for region programs;

1 “(11) provide a forum for consideration of
2 problems of the region and proposed solutions for
3 those problems; and

4 “(12) establish and involve citizens, special ad-
5 visory councils, and public conferences to consider
6 and resolve issues concerning the region.

7 “(e) INFORMATION.—In carrying out the duties of
8 the Authority under subsection (d), the Authority may—

9 “(1) hold such hearings, sit and act at such
10 times and places, take such testimony, receive such
11 evidence, and print or otherwise reproduce and dis-
12 tribute the proceedings and reports on actions by the
13 Authority as the Authority considers appropriate;

14 “(2) authorize, through the Federal or State co-
15 chairperson, or any other member of the Authority
16 designated by the Authority, the administration of
17 oaths if the Authority determines that testimony
18 shall be taken or evidence shall be received under
19 oath; and

20 “(3) arrange for the head of any Federal,
21 State, or local department or agency to furnish to
22 the Authority such information as may be available
23 to or procurable by the department or agency;

1 “(4) adopt, amend, and repeal bylaws and rules
2 governing the conduct of Authority business and the
3 performance of Authority functions;

4 “(5) request the head of any Federal depart-
5 ment or agency to detail to the Authority such per-
6 sonnel as the Authority requires to carry out func-
7 tions of the Authority, each such detail to be without
8 loss of seniority, pay, or other employee status;

9 “(6) request the head of any State department
10 or agency or local government to detail to the Au-
11 thority such personnel as the Authority requires to
12 carry out functions of the Authority, each such de-
13 tail to be without loss of seniority, pay, or other em-
14 ployee status;

15 “(7) provide for coverage of Authority employ-
16 ees in a suitable retirement and employee benefit
17 system by—

18 “(A) making arrangements or entering
19 into contracts with any participating State gov-
20 ernment; or

21 “(B) otherwise providing retirement and
22 other employee benefit coverage;

23 “(8) accept, use, and dispose of gifts or dona-
24 tions of services or real, personal, tangible, or intan-
25 gible property;

1 “(9) enter into and perform such contracts,
2 leases, cooperative agreements, or other transactions
3 as are necessary to carry out Authority duties, in-
4 cluding any contracts, leases, cooperative agree-
5 ments, or any other arrangement with—

6 “(A) any department, agency, or instru-
7 mentality of the United States;

8 “(B) any State (including a political sub-
9 division, agency, or instrumentality of the
10 State); or

11 “(C) any person, firm, association, or cor-
12 poration;

13 “(10) establish and maintain a central office
14 and field offices at such locations as the Authority
15 may select; and

16 “(11) take such other actions and incur such
17 other expenses as are necessary or appropriate.

18 “(f) FEDERAL AGENCY COOPERATION.—Federal
19 agencies shall—

20 “(1) cooperate with the Authority; and

21 “(2) provide such assistance in carrying out
22 this subtitle as the Federal cochairperson may re-
23 quest.

24 “(g) ADMINISTRATIVE EXPENSES.—

1 “(1) IN GENERAL.—Administrative expenses of
2 the Authority shall be paid—

3 “(A) by the Federal Government, during
4 the period beginning on the date of enactment
5 of this subtitle and ending on September 30,
6 2000; and

7 “(B) after September 30, 2000 (except for
8 the expenses of the Federal cochairperson, in-
9 cluding expenses of the alternate and staff of
10 the Federal cochairperson, which shall be paid
11 solely by the Federal Government)—

12 “(i) by the Federal Government, in an
13 amount equal to 50 percent of the admin-
14 istrative expenses; and

15 “(ii) by the States in the region rep-
16 resented by the Authority, in an amount
17 equal to 50 percent of the administrative
18 expenses.

19 “(2) STATE SHARE.—

20 “(A) IN GENERAL.—The share of adminis-
21 trative expenses of the Authority to be paid by
22 each State shall be determined by the Author-
23 ity.

24 “(B) NO FEDERAL PARTICIPATION.—The
25 Federal cochairperson shall not participate or

1 vote in any decision under subparagraph (A) to
2 determine the share of administrative expenses
3 of the Authority to be paid by a State.

4 “(C) DELINQUENT STATES.—If a State is
5 delinquent in payment of the State’s share of
6 administrative expenses of the Authority under
7 this subsection—

8 “(i) no assistance under this subtitle
9 shall be furnished to the State (including
10 assistance to a political subdivision or a
11 resident of the State); and

12 “(ii) no member of the Authority from
13 the State shall participate or vote in any
14 action by the Authority.

15 “(h) COMPENSATION.—

16 “(1) FEDERAL COCHAIRPERSON.—The Federal
17 cochairperson shall be compensated by the Federal
18 Government at level III of the Executive Schedule in
19 subchapter II of chapter 53 of title V, United States
20 Code.

21 “(2) ALTERNATE FEDERAL COCHAIRPERSON.—

22 The alternate Federal cochairperson—

23 “(A) shall be compensated by the Federal
24 Government at level V of the Executive Sched-
25 ule described in paragraph (1); and

1 “(B) when not actively serving as an alter-
2 nate for the Federal cochairperson, shall per-
3 form such functions and duties as are delegated
4 by the Federal cochairperson.

5 “(3) STATE MEMBERS AND ALTERNATES.—

6 “(A) IN GENERAL.—A State shall com-
7 pensate each member and alternate rep-
8 resenting the State on the Authority at the rate
9 established by law of the State.

10 “(B) NO ADDITIONAL COMPENSATION.—
11 No State member or alternate member shall re-
12 ceive any salary, or any contribution to or sup-
13 plementation of salary from any source other
14 than the State for services provided by the
15 member or alternate to the Authority.

16 “(4) DETAILED EMPLOYEES.—

17 “(A) IN GENERAL.—No person detailed to
18 serve the Authority under subsection (e)(6)
19 shall receive any salary or any contribution to
20 or supplementation of salary for services pro-
21 vided to the Authority from—

22 “(i) any source other than the State,
23 local, or intergovernmental department or
24 agency from which the person was detailed;
25 or

1 “(ii) the Authority.

2 “(B) VIOLATION.—Any person that vio-
3 lates this paragraph shall be fined not more
4 than \$5,000, imprisoned not more than 1 year,
5 or both.

6 “(C) APPLICABLE LAW.—The Federal co-
7 chairperson, the alternate Federal cochair-
8 person, and any Federal officer or employee de-
9 tailed to duty on the Authority under sub-
10 section (e)(5) shall not be subject to subpara-
11 graph (A), but shall remain subject to sections
12 202 through 209 of title 18, United States
13 Code.

14 “(5) ADDITIONAL PERSONNEL.—

15 “(A) COMPENSATION.—

16 “(i) IN GENERAL.—The Authority
17 may appoint and fix the compensation of
18 an executive director and such other per-
19 sonnel as are necessary to enable the Au-
20 thority to carry out the duties of the Au-
21 thority.

22 “(ii) EXCEPTION.—Compensation de-
23 scribed under clause (i) shall not exceed
24 the maximum rate for the Senior Executive
25 Service under section 5382 of title 5,

1 United States Code, including any applica-
2 ble locality-based comparability payment
3 that may be authorized under section
4 5304(h)(2)(C) of that title.

5 “(B) EXECUTIVE DIRECTOR.—The execu-
6 tive director shall be responsible for—

7 “(i) the carrying out of the adminis-
8 trative functions of the Authority;

9 “(ii) direction of the Authority staff;
10 and

11 “(iii) such other duties as the Author-
12 ity may assign.

13 “(C) NO FEDERAL EMPLOYEE STATUS.—
14 No member, alternate, officer, or employee of
15 the Authority (except the Federal cochairperson
16 of the Authority, the alternate and staff for the
17 Federal cochairperson, and any Federal em-
18 ployee detailed to the Authority under sub-
19 section (e)(5)) shall be considered to be a Fed-
20 eral employee for any purpose.

21 “(i) CONFLICTS OF INTEREST.—

22 “(1) IN GENERAL.—Except as provided under
23 paragraph (2), no State member, alternate, officer,
24 or employee of the Authority shall participate per-
25 sonally and substantially as a member, alternate, of-

1 ficer, or employee of the Authority, through decision,
2 approval, disapproval, recommendation, the ren-
3 dering of advice, investigation, or otherwise, in any
4 proceeding, application, request for a ruling or other
5 determination, contract, claim, controversy, or other
6 matter in which, to knowledge of the member, alter-
7 nate, officer, or employee—

8 “(A) the member, alternate, officer, or em-
9 ployee;

10 “(B) the spouse, minor child, partner, or
11 organization (other than a State or political
12 subdivision thereof) of the member, alternate,
13 officer, or employee, in which the member, al-
14 ternate, officer, or employee is serving as offi-
15 cer, director, trustee, partner, or employee; or

16 “(C) any person or organization with
17 whom the member, alternate, officer, or em-
18 ployee is negotiating or has any arrangement
19 concerning prospective employment;

20 has a financial interest.

21 “(2) DISCLOSURE.—Paragraph (1) shall not
22 apply if the State member, alternate, officer, or
23 employee—

24 “(A) immediately advises the Authority of
25 the nature and circumstances of the proceeding,

1 application, request for a ruling or other deter-
2 mination, contract, claim, controversy, or other
3 particular matter presenting a conflict of inter-
4 est;

5 “(B) makes full disclosure of the financial
6 interest; and

7 “(C) before the proceeding concerning the
8 matter presenting the conflict of interest, re-
9 ceives a written determination by the Authority
10 that the interest is not so substantial as to be
11 likely to affect the integrity of the services that
12 the Authority may expect from the State mem-
13 ber, alternate, officer, or employee.

14 “(3) VIOLATION.—Any person that violates this
15 subsection shall be fined not more than \$10,000, im-
16 prisoned not more than 2 years, or both.

17 “(j) VALIDITY OF CONTRACTS, LOANS, AND
18 GRANTS.—The Authority may declare void any contract,
19 loan, or grant of or by the Authority in relation to which
20 the Authority determines that there has been a violation
21 of any provision under subsection (h)(4), subsection (i),
22 or sections 202 through 209 of title 18, United States
23 Code.

1 **“SEC. 382C. ECONOMIC AND COMMUNITY DEVELOPMENT**
2 **GRANTS.**

3 “(a) IN GENERAL.—The Authority may approve
4 grants to States and public and nonprofit entities for
5 projects, approved in accordance with section 382I—

6 “(1) to assist the region in obtaining the job
7 training and employment-related education, leader-
8 ship, business, and civic development (with an em-
9 phasis on entrepreneurship), that are needed to
10 build and maintain strong local economies;

11 “(2) to provide assistance to severely distressed
12 and underdeveloped counties that lack financial re-
13 sources for improving basic services;

14 “(3) to fund—

15 “(A) research, demonstrations, evaluations,
16 and assessments of the region; and

17 “(B) training programs, and construction
18 of necessary facilities, and the provision of tech-
19 nical assistance necessary to complete activities
20 described in subparagraph (A); or

21 “(4) to otherwise achieve the objectives of this
22 subtitle.

23 “(b) FUNDING.—

24 “(1) IN GENERAL.—Funds for grants under
25 subsection (a) may be provided—

1 “(A) entirely from appropriations to carry
2 out this section;

3 “(B) in combination with funds available
4 under another Federal or Federal grant pro-
5 gram; or

6 “(C) from any other source.

7 “(2) PRIORITY OF FUNDING.—To best build the
8 foundations for long-term, self-sustaining economies
9 and to complement other Federal and State re-
10 sources in the region, Federal funds available under
11 this subtitle shall be focused on the activities in the
12 following order or priority:

13 “(A) Basic infrastructure in distressed
14 counties.

15 “(B) Job-related infrastructure.

16 “(C) Job training or employment-related
17 education.

18 “(D) Leadership and civic development.

19 “(E) Business development, with emphasis
20 on entrepreneurship.

21 “(3) FEDERAL SHARE IN GRANT PROGRAMS.—
22 Notwithstanding any provision of law limiting the
23 Federal share in any grant program, funds appro-
24 priated to carry out this section may be used to in-

1 crease a Federal share in a grant program, as the
2 Authority determines to be appropriate.

3 **“SEC. 382D. SUPPLEMENTS TO FEDERAL GRANT PRO-**
4 **GRAMS.**

5 “(a) FINDING.—Congress finds that certain people,
6 States, and local communities of the region, including local
7 development districts, are unable to take maximum advan-
8 tage of Federal grant programs for which the people are
9 eligible because—

10 “(1) they lack the economic resources to supply
11 the required matching share; or

12 “(2) there are insufficient funds available under
13 the applicable Federal grant law authorizing the
14 program to meet pressing needs of the region.

15 “(b) FEDERAL GRANT PROGRAM FUNDING.—In ac-
16 cordance with subsection (c), the Federal cochairperson
17 may use amounts made available to carry out this subtitle,
18 without regard to any limitations on areas eligible for as-
19 sistance or authorizations for appropriation under any
20 other Act to fund all or any portion of the basic Federal
21 contribution to a project or activity under a Federal grant
22 program in an amount that is above the fixed maximum
23 portion of the cost of the project otherwise authorized by
24 the applicable law, not to exceed 80 percent of the costs
25 of the project except as provided in section 382F(b).

1 “(c) CERTIFICATION.—

2 “(1) IN GENERAL.—In the case of any program
3 or project for which all or any portion of the basic
4 Federal contribution to the project under a Federal
5 grant program is proposed to be made under this
6 section, no Federal contribution shall be made until
7 the Federal official administering the Federal law
8 authorizing the contribution certifies that the pro-
9 gram or project—

10 “(A) meets the applicable requirements of
11 the applicable Federal grant law; and

12 “(B) could be approved for Federal con-
13 tribution under the law if funds were available
14 under the law for the program or project.

15 “(2) CERTIFICATION BY AUTHORITY.—

16 “(A) IN GENERAL.—The certifications and
17 determinations required to be made by the Au-
18 thority for approval of projects under this sub-
19 title in accordance with section 382I—

20 “(i) shall be controlling; and

21 “(ii) shall be accepted by the Federal
22 agencies.

23 “(B) ACCEPTANCE BY FEDERAL COCHAIR-
24 PERSON.—Any finding, report, certification, or
25 documentation required to be submitted to the

1 head of the department, agency, or instrumen-
 2 tality of the Federal Government responsible for
 3 the administration of any Federal grant pro-
 4 gram shall be accepted by the Federal cochair-
 5 person with respect to a supplemental grant for
 6 any project under the program.

7 **“SEC. 382E. LOCAL DEVELOPMENT DISTRICTS; CERTIFI-**
 8 **CATION AND ADMINISTRATIVE EXPENSES.**

9 “(a) DEFINITION OF LOCAL DEVELOPMENT DIS-
 10 TRICT.—In this section, the term “local development dis-
 11 trict” means an entity that is—

12 “(1) organized and operated in a manner that
 13 ensures broad-based community participation and an
 14 effective opportunity for other nonprofit and citizen
 15 groups to contribute to the development and imple-
 16 mentation of programs in the region;

17 “(2) certified to the Authority as having a char-
 18 ter or authority that includes the economic develop-
 19 ment of counties or parts of counties or other polit-
 20 ical subdivisions within the region—

21 “(A) by the Governor of each State in
 22 which the entity is located; or

23 “(B) by the State officer designated by the
 24 appropriate State law to make the certification;
 25 and

1 “(3) is—

2 “(A) a nonprofit incorporated body orga-
3 nized or chartered under the law of the State
4 in which the entity is located;

5 “(B) a nonprofit agency or instrumentality
6 of a State or local government;

7 “(C) a nonprofit agency or instrumentality
8 created through an interstate compact; or

9 “(D) a nonprofit association or combina-
10 tion of bodies, agencies, and instrumentalities
11 described in subparagraphs (A) through (C).

12 “(b) GRANTS TO LOCAL DEVELOPMENT DIS-
13 TRICTS.—

14 “(1) IN GENERAL.—The Authority may make
15 grants for administrative expenses of local develop-
16 ment districts.

17 “(2) CONDITIONS FOR GRANTS.—

18 “(A) MAXIMUM AMOUNT.—The amount of
19 any grant awarded under paragraph (1) shall
20 not exceed 80 percent of the administrative ex-
21 penses of the local development district receiv-
22 ing the grant.

23 “(B) MAXIMUM PERIOD.—No grant de-
24 scribed in paragraph (1) shall be awarded to a

1 State agency certified as a local development
2 district for a period greater than 3 years.

3 “(C) LOCAL SHARE.—The contributions of
4 a local development district for administrative
5 expenses may be in cash or in kind, fairly evalu-
6 ated, including space, equipment, and services.

7 “(c) DUTIES OF LOCAL DEVELOPMENT DIS-
8 TRICTS.—Local development districts—

9 “(1) shall operate as lead organizations serving
10 multicounty areas in the region at the local level;
11 and

12 “(2) shall serve as a liaison between State and
13 local governments, nonprofit organizations (including
14 community-based groups and educational institu-
15 tions), the business community, and citizens that—

16 “(A) are involved in multijurisdictional
17 planning;

18 “(B) provide technical assistance to local
19 jurisdictions and potential grantees; and

20 “(C) provide leadership and civic develop-
21 ment assistance.

22 **“SEC. 382F. DISTRESSED COUNTIES AND ECONOMICALLY**
23 **STRONG COUNTIES.**

24 “(a) DESIGNATIONS.—Not later than 90 days after
25 the date of enactment of this subtitle, and annually there-

1 after, the Authority, in accordance with such criteria as
2 the Authority may establish, shall designate—

3 “(1) as distressed counties, counties in the re-
4 gion that are the most severely and persistently dis-
5 tressed and underdeveloped;

6 “(2) as economically strong counties, counties
7 in the region that are approaching or have reached
8 economic parity with the rest of the United States;
9 and

10 “(3) as isolated areas of distress, areas located
11 in an economically strong county that have high
12 rates of poverty or unemployment.

13 “(b) DISTRESSED COUNTIES.—

14 “(1) IN GENERAL.—The Authority shall allo-
15 cate at least 50 percent of the appropriations made
16 available under section 382N for programs and
17 projects designed to serve the needs of distressed
18 counties in the region.

19 “(2) FUNDING LIMITATIONS.—The funding lim-
20 itations under section 382D(b) shall not apply to
21 projects providing basic services to residents in 1 or
22 more distressed counties in the region.

23 “(c) ECONOMICALLY STRONG COUNTIES.—

24 “(1) IN GENERAL.—Except as provided in this
25 subsection, no funds shall be provided under this

1 subtitle for a project located in a county designated
2 as an economically strong county under subsection
3 (a).

4 “(2) EXCEPTIONS.—

5 “(A) IN GENERAL.—The funding prohibi-
6 tion under paragraph (1) shall not apply to
7 grants to fund the administrative expenses of
8 local development districts under section
9 382E(b).

10 “(B) MULTICOUNTY PROJECTS.—The Au-
11 thority may approve additional exceptions to
12 the funding prohibition under paragraph (1)
13 for—

14 “(i) multicounty projects that include
15 participation by an economically strong
16 county; and

17 “(ii) any other type of project, if the
18 Authority determines that the project could
19 bring significant benefits to areas of the
20 region outside an economically strong
21 county.

22 “(C) ISOLATED AREAS OF DISTRESS.—

23 “(i) IN GENERAL.—An isolated area
24 of distress shall be eligible for assistance at
25 the discretion of the Authority.

1 “(ii) DETERMINATION.—A determina-
2 tion of eligibility of an isolated area of dis-
3 tress for assistance shall be supported—

4 “(I) by the most recent Federal
5 data available; or

6 “(II) if no recent Federal data
7 are available, by the most recent data
8 available through the government of
9 the State in which the isolated area of
10 distress is located.

11 **“SEC. 382G. DEVELOPMENT PLANNING PROCESS.**

12 “(a) STATE DEVELOPMENT PLAN.—In accordance
13 with policies established by the Authority, each State
14 member shall submit on such schedule as the Authority
15 shall prescribe a development plan for the area of the re-
16 gion represented by the State member.

17 “(b) CONTENT OF PLAN.—A State development plan
18 submitted under subsection (a) shall—

19 “(1) reflect the goals, objectives, and priorities
20 identified in the regional development plan under
21 section 382B(d);

22 “(2) describe—

23 “(A) the organization and continuous proc-
24 ess for development planning of the State, in-
25 cluding the procedures established by the State

1 for the participation of local development dis-
 2 tricts in the development planning process;

3 “(B) the means by which the development
 4 planning process of the State is related to over-
 5 all State-wide planning and budgeting proc-
 6 esses; and

7 “(C) the method of coordinating planning
 8 and projects in the region under this subtitle
 9 and other Federal, State, and local programs;

10 “(3)(A) identify the goals, objectives, priorities,
 11 and expected outcomes of the State for the region,
 12 as determined by the Governor;

13 “(B) identify the needs on which those goals,
 14 objectives, priorities are based; and

15 “(C) describe the development strategy for
 16 achieving and the expected outcomes of those goals,
 17 objectives, and priorities; and

18 “(4) describe how strategies proposed in the
 19 plan would advance the objectives of this subtitle.

20 “(c) CONSULTATION WITH INTERESTED LOCAL PAR-
 21 TIES.—In carrying out the development planning process
 22 (including the selection of programs and projects for as-
 23 sistance), a State shall—

24 “(1) consult with—

25 “(A) local development districts;

1 “(B) local units of government; and

2 “(C) citizen groups; and

3 “(2) take into consideration the goals, objec-
4 tives, priorities, and recommendations of the entities
5 identified in paragraph (1).

6 “(d) PUBLIC PARTICIPATION.—

7 “(1) IN GENERAL.—The Authority and applica-
8 ble State and local development districts shall en-
9 courage and assist, to the maximum extent prac-
10 ticable, public participation in the development, revi-
11 sion, and implementation of all plans and programs
12 under this subtitle.

13 “(2) REGULATIONS.—The Authority shall de-
14 velop guidelines specifying minimum goals for public
15 participation described in paragraph (1), including
16 public hearings.

17 **“SEC. 382H. PROGRAM DEVELOPMENT CRITERIA.**

18 “(a) IN GENERAL.—In considering programs and
19 projects to be provided assistance under this subtitle, and
20 in establishing a priority ranking of the requests for as-
21 sistance presented to the Authority, the Authority shall
22 follow procedures that ensure, to the maximum extent
23 practicable, consideration of—

24 “(1) the relationship of the project or class of
25 projects to overall regional development;

1 “(2) the per capita income and poverty and un-
2 employment rates in the area;

3 “(3) the financial resources available to the ap-
4 plicants for assistance seeking to carry out the
5 project;

6 “(4) the importance of the project or class of
7 projects in relation to other projects or classes of
8 projects that may be in competition for the same
9 funds;

10 “(5) the prospects that the project for which as-
11 sistance is sought will improve, on a continuing rath-
12 er than a temporary basis, the opportunities for em-
13 ployment, the average level of income, or the eco-
14 nomic and social development of the area served by
15 the project; and

16 “(6) the extent to which the project design pro-
17 vides for detailed outcome measurements by which
18 grant expenditures and the results of the expendi-
19 tures may be evaluated.

20 “(b) NO RELOCATION ASSISTANCE.—No financial
21 assistance authorized by this subtitle shall be used to as-
22 sist a person or entity in relocating from 1 area to an-
23 other.

24 “(c) REDUCTION OF FUNDS.—Funds may be pro-
25 vided for a program or project in a State under this sub-

1 title only if the Authority determines that the level of Fed-
 2 eral or State financial assistance provided under a law
 3 other than this subtitle, for the same type of program or
 4 project in the same area of the State within the region,
 5 will not be reduced so as to substitute funds authorized
 6 by this subtitle.

7 **“SEC. 382I. APPROVAL OF DEVELOPMENT PLANS AND**
 8 **PROJECTS.**

9 “(a) IN GENERAL.—A State or regional development
 10 plan or any multistate subregional plan that is proposed
 11 for development under this subtitle shall be reviewed for
 12 approval by the Authority in accordance with section
 13 382B(e)(3).

14 “(b) EVALUATION BY STATE MEMBER.—An applica-
 15 tion for a grant or any other assistance for a project under
 16 this subtitle shall be made through and evaluated for ap-
 17 proval by the State member of the Authority representing
 18 the applicant.

19 “(c) CERTIFICATION.—An application for a grant or
 20 other assistance for a project shall be approved only on
 21 certification by the State member and the Federal cochair-
 22 person that the application—

23 “(1) reflects an intent that the project comply
 24 with any applicable State development plan;

1 “(2) meets applicable criteria under section
2 382H;

3 “(3) provides adequate assurance that the pro-
4 posed project will be properly administered, oper-
5 ated, and maintained; and

6 “(4) otherwise meets the requirements of this
7 subtitle.

8 “(d) VOTES FOR DECISIONS.—The certification by a
9 State member of an application for a grant or other assist-
10 ance for a specific project under this section shall, when
11 joined by an affirmative vote of the Federal cochairperson
12 for the application, be considered to satisfy the require-
13 ments for affirmative votes for decisions under section
14 382B.

15 **“SEC. 382J. CONSENT OF STATES.**

16 Nothing in this subtitle requires any State to engage
17 in or accept any program under this subtitle without the
18 consent of the State.

19 **“SEC. 382K. RECORDS.**

20 “(a) RECORDS OF THE AUTHORITY.—

21 “(1) IN GENERAL.—The Authority shall main-
22 tain accurate and complete records of all trans-
23 actions and activities of the Authority financed with
24 Federal funds.

1 “(2) AVAILABILITY.—All records of the Author-
2 ity shall be available for audit and examination by
3 the Comptroller General of the United States (in-
4 cluding authorized representatives of the Comp-
5 troller General).

6 “(b) RECORDS OF RECIPIENTS OF FEDERAL ASSIST-
7 ANCE.—

8 “(1) IN GENERAL.—Recipients of Federal as-
9 sistance under this subtitle shall, as required by the
10 Authority, maintain accurate and complete records
11 of transactions and activities financed with Federal
12 funds and report on the transactions and activities
13 to the Authority.

14 “(2) AVAILABILITY.—All records described in
15 paragraph (1) shall be available for audit by the
16 Comptroller General of the United States and the
17 Authority or their duly authorized representatives.

18 **“SEC. 382L. ANNUAL REPORT.**

19 “Not later than 180 days after the end of each fiscal
20 year, the Authority shall submit to the President and to
21 Congress a report describing the activities carried out
22 under this subtitle.

23 **“SEC. 382M. AUTHORIZATION OF APPROPRIATIONS.**

24 “(a) IN GENERAL.—There is authorized to be appro-
25 priated to the Authority to carry out this subtitle

1 \$30,000,000 for each of fiscal years 2001 through 2005,
2 to remain available until expended.

3 “(b) ADMINISTRATIVE EXPENSES.—Not more than 5
4 percent of the amount appropriated under subsection (a)
5 shall be used for administrative expenses.”.

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