

103^D CONGRESS
2^D SESSION

H. R. 3901

To establish a Southern Rural Development Commission.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1994

Mr. HILLIARD (for himself and Ms. MCKINNEY) introduced the following bill; which was referred jointly to the Committees on Public Works and Transportation, Energy and Commerce, Education and Labor, and Agriculture

A BILL

To establish a Southern Rural Development Commission.

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 “Southern Rural Devel-
5 opment Commission Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) parts of the Southern United States, bor-
9 dering the Mississippi Delta or located in the tradi-
10 tional Old South region, have not shared properly in
11 the Nation’s prosperity; and

1 (2) in parts of the Southern United States, eco-
2 nomic growth, education, and the means to achieve
3 the American dream are often not obtainable.

4 (b) PURPOSE.—It is the purpose of this Act—

5 (1) to assist the regions described in subsection

6 (a) in meeting their special problems;

7 (2) to promote the human and economic devel-
8 opment of small rural communities located in the re-
9 gions described in subsection (a); and

10 (3) to establish a Southern Rural Development
11 Commission to supply the regions described in sub-
12 section (a) with the common facilities necessary to
13 stimulate the growth of the regions and meet their
14 common needs.

15 **SEC. 3. ESTABLISHMENT.**

16 There is established a commission to be known as the
17 Southern Rural Development Commission.

18 **SEC. 4. MEMBERSHIP.**

19 (a) MEMBERS.—

20 (1) NUMBER.—The Commission shall be com-
21 posed of 21 members, including 20 voting members
22 and 1 counsel.

23 (2) VOTING MEMBERS.—

24 (A) REPRESENTATION OF STATES.—The

25 20 voting members shall be residents of the

1 States and counties specified in sections 5(b),
2 5(c), and 5(d). 2 residents of each State listed
3 in section 5(b) shall be appointed to the Com-
4 mission. Not more than 1 individual who re-
5 sides in a particular county may be appointed
6 to the Commission.

7 (B) INITIAL APPOINTMENTS.—

8 (i) RECOMMENDATIONS.—Each Unit-
9 ed States Representative, and United
10 States Senator, representing a State speci-
11 fied in section 5(b) may recommend 1 per-
12 son for membership on the Commission.

13 (ii) APPOINTMENT OF 1 PERSON REC-
14 OMMENDED BY EACH HOUSE.—Of the 2
15 Commission members from each State
16 specified in section 5(b), the President
17 shall appoint 1 from among the persons
18 recommended by the State's delegation to
19 the United States House of Representa-
20 tives, and 1 from among the persons rec-
21 ommended by the State's delegation to the
22 United States Senate.

23 (iii) ADDITIONAL RECOMMENDA-
24 TIONS.—If the President chooses not to
25 appoint any of the persons originally rec-

1 ommended by a State's delegation to 1
2 House of Congress, the President may re-
3 quest 1 additional recommendation from
4 each member of the State's delegation to
5 such House, and the process of rec-
6 ommendations may continue until an ap-
7 pointment is made.

8 (C) APPOINTMENTS TO FILL VACANCIES.—

9 (i) IN GENERAL.—A vacancy in a
10 State's 2-member delegation to the Com-
11 mission shall be filled in the manner de-
12 scribed in subparagraph (B), except as
13 specified in clause (ii).

14 (ii) APPOINTMENT OF PERSON REC-
15 OMMENDED BY 1 HOUSE.—The President
16 shall appoint to fill a vacancy in a State's
17 delegation to the Commission 1 person
18 among the persons recommended by the
19 State's delegates to whichever House of
20 Congress had the initial right to rec-
21 ommend the member whose departure cre-
22 ates the vacancy.

23 (D) ALTERNATIVE METHOD OF APPOINT-
24 MENT.—

1 (i) APPOINTMENT OF PERSON REC-
2 OMMENDED BY OTHER HOUSE.—If none of
3 a State’s delegates to 1 House of Congress
4 recommends any person to fill a vacancy
5 on the Commission that should, under sub-
6 paragraph (B) or (C), be filled by appoint-
7 ment from among persons recommended
8 by such delegates, the President shall ap-
9 point a person from among the persons
10 recommended by the State’s delegates to
11 the other House of Congress.

12 (ii) ADDITIONAL RECOMMENDA-
13 TIONS.—The President may request addi-
14 tional recommendations as described in
15 subparagraph (B)(iii).

16 (iii) APPOINTMENT OF PERSON REC-
17 OMMENDED BY GOVERNOR.—If a State’s
18 delegates to both Houses of the Congress
19 fail to cumulatively recommend enough
20 persons to fill any vacancy in the State’s
21 delegation to the Commission, the Gov-
22 ernor of the State shall recommend at
23 least 3 persons for each such vacancy, and
24 the President shall appoint to fill the va-

1 cancy a person from among the persons
2 recommended by the Governor.

3 (3) COUNSEL.—

4 (A) APPOINTMENT.—1 member who does
5 not reside in any of the States specified in sec-
6 tion 5(b) shall be appointed by the President to
7 be the Counsel, and the representative of the
8 Federal Government, on the Commission.

9 (B) DUTIES.—The Counsel shall act as
10 legal counsel to the Commission and as liaison
11 between the Commission and the President.
12 The Counsel shall review grant applications
13 submitted to the Commission, give the Commis-
14 sion legal advice relating to the applications,
15 and attend the meetings of the Commission.

16 (C) PAY.—Initially, the 1st person to serve
17 as Counsel shall be paid the amount the Presi-
18 dent determines to be necessary. The amount of
19 the Counsel's salary may be adjusted by the
20 Commission not more than once a year, and not
21 sooner than 12 months after the President sets
22 the initial salary of the 1st Counsel.

23 (D) LACK OF VOTING POWER.—The Coun-
24 sel may not participate in any vote taken by the
25 Commission, and may not serve as chairperson.

1 (E) REVIEW.—The Commission shall re-
2 view the performance of the Counsel every 4
3 years, beginning 4 years after the appointment
4 of the 1st Counsel, at a semiannual meeting of
5 the Commission. The Commission may remove
6 the Counsel by a vote of $\frac{4}{5}$ of the voting mem-
7 bers present. An appointment to fill a vacancy
8 in the Counsel’s position shall be made in the
9 same manner as the appointment of the 1st
10 Counsel.

11 (4) TIMING OF APPOINTMENTS.—The appoint-
12 ments of the initial members shall be made not more
13 than 90 days after the date of the enactment of this
14 Act. An appointment to fill any other vacancy on the
15 Commission, including a vacancy in the Counsel’s
16 position, shall be made not later than 30 days after
17 the vacancy occurs.

18 (5) CHAIRPERSON.—The chairperson shall be
19 the more senior member (the member who has
20 served longer on the Commission) of each State’s
21 delegation in turn, with each State taking its turn
22 in alphabetical order. The chairperson shall serve a
23 1-year term. For the 1st year of the Commission,
24 the chair shall be held jointly by the 2 members rep-

1 resenting the State that is the 1st alphabetically of
2 the States specified in section 5(b).

3 (6) QUORUM.—11 voting members of the Com-
4 mission shall constitute a quorum.

5 (b) TERMS OF SERVICE.—

6 (1) IN GENERAL.—Except as provided in this
7 subsection, each voting member shall be appointed
8 for a term of 4 years. A member may serve after the
9 expiration of the member's term until a successor is
10 appointed.

11 (2) TERMS OF INITIAL APPOINTEES.—For each
12 State, the initial member who was recommended by
13 a Member of the House of Representatives shall
14 serve a 2 year term. If neither of the initial members
15 from a State was recommended by a Member of the
16 House of Representatives, or if both were, the Presi-
17 dent shall designate at the time of appointment
18 which of the members 1st appointed to the Commis-
19 sion from the State is appointed for a term of 2
20 years.

21 (3) APPOINTMENT TO COMPLETE ANOTHER'S
22 TERM.—A member appointed to fill a vacancy occur-
23 ring before the expiration of the term for which the
24 member's predecessor was appointed shall be ap-
25 pointed in the manner described in subsection

1 (a)(2)(C), but shall serve only for the remainder of
2 the predecessor's term.

3 (4) CONSECUTIVE TERMS.—A person shall not
4 be appointed to serve 2 consecutive terms as a mem-
5 ber. For purposes of this paragraph, appointment to
6 complete another's term under paragraph (3) shall
7 not be considered to be an appointment to a term.

8 (c) COMPENSATION.—

9 (1) PAY.—Voting members shall serve without
10 pay.

11 (2) TRAVEL EXPENSES.—While away from
12 their homes or regular places of business in the per-
13 formance of the duties of the Commission, members
14 shall be allowed travel expenses in the same manner
15 that persons employed intermittently in Government
16 service are allowed travel expenses under section
17 5703 of title 5, United States Code.

18 **SEC. 5. AUTHORITY TO MAKE GRANTS.**

19 (a) AUTHORITY.—The Commission may make grants
20 to the counties specified in subsections (c) and (d) in order
21 to wholly or partially fund projects that will achieve 1 or
22 more of the following purposes:

23 (1) Human resource development, education,
24 and job training.

1 (2) Provision of health care services and facili-
2 ties, and social services, for underserved commu-
3 nities.

4 (3) Planning and development regarding the en-
5 vironment and natural resources, including but not
6 limited to conservation, land stabilization, and ero-
7 sion control.

8 (4) Development of transportation facilities and
9 services, including development of highway systems.

10 (5) Establishment of rural cooperatives.

11 (6) Water and sewer resource surveys.

12 (7) Assessment of the needs of rural commu-
13 nities, including needs relating to the subjects of
14 paragraphs (1) through (6), and development of pro-
15 grams to meet such needs.

16 (b) STATES CONTAINING ELIGIBLE COUNTIES AND
17 HAVING REPRESENTATIVES ON COMMISSION.—The
18 States that contain counties eligible for grants under sub-
19 section (a), and will have representatives on the Commis-
20 sion, are Alabama, Arkansas, Florida, Georgia, Louisiana,
21 Mississippi, North Carolina, South Carolina, Tennessee,
22 and Virginia.

23 (c) ELIGIBLE COUNTIES.—The following counties
24 may apply, alone or in cooperation with 1 or more other

1 counties referred to in this subsection, for grants under
2 subsection (a):

3 (1) ALABAMA COUNTIES.—Barbour, Bullock,
4 Butler, Choctaw, Clarke, Conecuh, Dallas, Greene,
5 Hale, Henry, Lowndes, Macon, Marengo, Perry,
6 Pickens, Pike, Sumter, and Wilcox Counties in the
7 State of Alabama.

8 (2) ARKANSAS COUNTIES.—Chicot, Crittenden,
9 Desha, Fulton, Jackson, Jefferson, Lafayette, Law-
10 rence, Lee, Lincoln, Mississippi, Monroe, Newton,
11 Phillips, Poinsett, Searcy, Stone, St. Francis, and
12 Woodruff Counties in the State of Arkansas.

13 (3) FLORIDA COUNTIES.—Franklin, Gadsden,
14 Hamilton, and Madison Counties in the State of
15 Florida.

16 (4) GEORGIA COUNTIES.—Atkinson, Bulloch,
17 Brooks, Burke, Calhoun, Clarke, Clay, Clinch, Crisp,
18 Decatur, Dooly, Early, Emanuel, Evans, Greene,
19 Hancock, Irwin, Jefferson, Jenkins, Lanier, Macon,
20 Marion, Mitchell, Quitman, Randolph, Seminole,
21 Stewart, Taliaferro, Taylor, Telfair, Terrell,
22 Treutlen, Turner, Twiggs, Warren, Wheeler, Wilcox,
23 and Worth Counties in the State of Georgia.

24 (5) LOUISIANA PARISHES.—Acadia, Allen, As-
25 sumption, Avoyelles, Bienville, Caldwell, Catahoula,

1 Claiborne, Concordia, De Soto, East Carroll, East
2 Feliciana, Evangeline, Franklin, Grant, Iberville,
3 Jefferson Davis, Lincoln, Madison, Morehouse,
4 Natchitoches, Pointe Coupee, Red River, Richland,
5 Sabine, St. Helena, St. James, St. Landry, St. Mar-
6 tin, St. Mary, Tangipahoa, Tensas, Vermilion,
7 Washington, Webster, West Carroll, West Feliciana,
8 and Winn Parishes in the State of Louisiana.

9 (6) MISSISSIPPI COUNTIES.—Adams, Amite,
10 Attala, Benton, Bolivar, Calhoun, Carroll, Choctaw,
11 Claiborne, Clay, Coahoma, Copiah, Covington,
12 DeSoto, Forrest, Franklin, Greene, Holmes, Hum-
13 phreys, Issaquena, Jasper, Jefferson, Jefferson
14 Davis, Kemper, Lafayette, Lawrence, Leake,
15 Leflore, Marion, Marshall, Montgomery, Noxubee,
16 Oktibbeha, Panola, Pike, Perry, Quitman, Scott,
17 Sharkey, Stone, Sunflower, Tallahatchie, Tunica,
18 Walthall, Washington, Wayne, Wilkinson, Winston,
19 Yalobusha, and Yazoo Counties in the State of Mis-
20 sissippi.

21 (7) NORTH CAROLINA COUNTIES.—Bertie, Hali-
22 fax, Hertford, Swain, Tyrrell, and Warren Counties
23 in the State of North Carolina.

24 (8) SOUTH CAROLINA COUNTIES.—Allendale,
25 Bamberg, Clarendon, Dillon, Hampton, Jasper, Lee,

1 Marion, Marlboro, and Williamsburg Counties in the
2 State of South Carolina.

3 (9) TENNESSEE COUNTIES.—Campbell, Clai-
4 borne, Cocke, Fentress, Hancock, Haywood, John-
5 son, Lake, and Scott Counties in the State of Ten-
6 nessee.

7 (10) VIRGINIA COUNTIES.—Dickenson, Lee,
8 Northampton, Norton City, and Radford Counties in
9 the State of Virginia.

10 (d) ADDITIONAL COUNTIES.—A county not specified
11 in subsection (c) shall be eligible to obtain a grant under
12 this Act if—

13 (1) 25 percent or more of the legal residents of
14 the county are below the Federal poverty line;

15 (2) the county is rural, as defined by the Com-
16 mission;

17 (3) the county is located in a State referred to
18 in subsection (b);

19 (4) the county submits a letter to the Commis-
20 sion requesting that the county be considered eligible
21 to receive grants under this Act, and the Commis-
22 sion receives the letter at least 14 days before the
23 next semiannual meeting of the Commission; and

24 (5) the Commission fails to disapprove the
25 county's eligibility, by a vote of $\frac{4}{5}$ of the voting

1 members present, at the semiannual meeting of the
2 Commission that follows the date on which the Com-
3 mission receives the letter required by paragraph
4 (4).

5 (e) REMOVAL OF ELIGIBILITY.—At any time, a vote
6 of $\frac{4}{5}$ of the voting members may make a county ineligible
7 to submit applications for grants under subsection (a).

8 (f) APPLICATIONS.—To apply for a grant from the
9 Commission, a county, or 2 or more counties acting to-
10 gether, shall submit to the Commission an application in
11 the form and manner required by the Commission. Each
12 application shall contain—

13 (1) a description of the purpose of the project
14 for which the grant is sought;

15 (2) the amount of the grant requested by the
16 county;

17 (3) information demonstrating the need for the
18 proposed project in the county;

19 (4) the extent to which the project will address
20 the need; and

21 (5) any other information and assurances the
22 Commission may require.

23 (g) CRITERIA.—

24 (1) NEED.—In awarding grants, the Commis-
25 sion shall give priority to the applicants that dem-

1 onstrate the most urgent need for the proposed
2 project. If 2 or more applicants demonstrate the
3 same degree of need, the grant shall be awarded to
4 the applicant that filed its application first.

5 (2) COMMUNITY DEVELOPMENT.—The Commis-
6 sion shall next consider the extent to which the pro-
7 posed project aids community development by mak-
8 ing the affected community more self-reliant.

9 (3) ADDITIONAL CRITERIA.—The Commission
10 shall also consider additional criteria, including the
11 per capita income, poverty, and population of the
12 county that will be benefited by the project, the pur-
13 pose of the project, and the extent to which the
14 project will fill the need it is meant to address.

15 **SEC. 6. CONDUCT OF COMMISSION BUSINESS.**

16 (a) MEETINGS.—The Commission shall meet in
17 March and September of each year, in Washington, D.C.,
18 and members shall attend the meetings. The Commission
19 may hold additional meetings that are necessary to ad-
20 dress emergency situations, but it shall not hold more than
21 2 additional meetings per year.

22 (b) VOTES.—

23 (1) NEED FOR QUORUM.—A quorum shall be
24 required before a vote may be taken.

1 (2) OFFICIAL ACTIONS.—No official actions of
2 the Commission may be taken without the approval,
3 by vote, of $\frac{3}{5}$ of the voting members present.

4 (2) CALCULATION.—If the number of voting
5 members present does not divide evenly by 5, the
6 number which constitutes $\frac{3}{5}$ of the voting members
7 present shall be determined by dividing the number
8 of voting members who are present by 5, multiplying
9 by 3, and rounding up to the nearest whole number.

10 (c) BYLAWS.—The Commission may make bylaws,
11 rules, and regulations that are consistent with this Act,
12 and that the Commission decides are necessary to carry
13 out its responsibilities under this Act.

14 (d) OFFICE.—The Commission shall maintain its of-
15 fice in Washington, D.C.

16 (e) MAILS.—The Commission may use the United
17 States mails in the same manner and under the same con-
18 ditions as other Federal agencies.

19 **SEC. 7. STAFF AND SUPPORT SERVICES.**

20 (a) ADMINISTRATIVE STAFF.—

21 (1) IN GENERAL.—Subject to the procedures
22 and approval of the Commission, administrative staff
23 shall be hired and paid to perform duties necessary
24 to implement the policies of this Act.

1 (2) NUMBER AND TYPE OF EMPLOYEES.—The
2 Commission may not hire more permanent employ-
3 ees than are necessary to assist in the regular busi-
4 ness of the Commission. The Commission may hire
5 nonpermanent employees as necessary. Cumulatively,
6 the Commission may not hire more than 25 employ-
7 ees.

8 (3) CHIEF OF STAFF.—Appointment and deter-
9 mination of the salary of the Chief of Staff shall re-
10 quire a vote of the Commission. The Chief of Staff,
11 with the approval of the Commission, may hire and
12 determine the initial salaries of the remaining Com-
13 mission employees.

14 (b) STAFF OF FEDERAL AGENCIES.—At the request
15 of the Commission, the head of any Federal agency may
16 detail any of the personnel of the agency to the Commis-
17 sion to assist the Commission to implement the policies
18 of this Act.

19 (c) EXPERTS AND CONSULTANTS.—The Commission
20 may procure temporary or intermittent services of experts
21 and consultants under section 3109(b) of title 5, United
22 States Code.

23 (d) ADMINISTRATIVE SUPPORT SERVICES.—At the
24 request of the Commission, the head of a Federal agency,
25 including the General Services Administration, may make

1 any facility or service of the agency available to the Com-
2 mission to assist the Commission to carry out this Act.

3 **SEC. 8. MEANS TO OBTAIN INFORMATION.**

4 (a) HEARINGS AND SESSIONS.—The Commission
5 may hold hearings, take testimony, and receive affidavits
6 and other evidence, that the Commission considers appro-
7 priate to carry out this Act.

8 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
9 ber or agent of the Commission may, if authorized by the
10 Commission, take any action that the Commission is au-
11 thorized to take by this section.

12 (c) OBTAINING OFFICIAL DATA.—The Commission,
13 through its chairperson, may request directly from any
14 Federal agency any information necessary to enable the
15 Commission to implement the policies of this Act. The
16 head of the agency may comply with the request unless
17 the release of the information to the public by the agency
18 is prohibited by law.

19 (d) OTHER SOURCES OF INFORMATION.—The Com-
20 mission may receive testimony from or consult with other
21 individuals and groups, including independent agencies,
22 institutions, and groups that are interested in rural devel-
23 opment.

1 **SEC. 9. ANNUAL REPORTS.**

2 (a) GRANTEE REPORTS.—Each county that receives
3 a grant under section 5(a) shall prepare and submit a re-
4 port to the Commission not later than 30 days after the
5 end of each fiscal year in which the county expends any
6 part of the grant. With respect to each project for which
7 any part of the grant was expended during the fiscal year,
8 the report shall—

9 (1) specify the amount of grant funds expended
10 for the project;

11 (2) specify the outcome and results of the
12 project;

13 (3) specify whether the purpose of the project
14 has been achieved; and

15 (4) include any other information the Commis-
16 sion may require by rule.

17 (b) COMMISSION REPORTS.—The Commission shall
18 submit a report to the President and the Congress, not
19 later than December 31 after each fiscal year in which
20 the Commission makes a grant. The report shall—

21 (1) specify which counties received grants in the
22 fiscal year preceding the report;

23 (2) include descriptions of each project for
24 which a grant was made during the fiscal year pre-
25 ceding the report, including the purpose of the
26 project, the amount of the grant provided to carry

1 out the project, and whether the purpose of the
2 project has been achieved; and

3 (3) include any other information the Commis-
4 sion considers appropriate.

5 **SEC. 10. DEFINITIONS.**

6 For purposes of this Act:

7 (1) The term “Commission” means the South-
8 ern Rural Development Commission.

9 (2) The term “Counsel” means the member of
10 the Commission who is appointed pursuant to sec-
11 tion 5(a)(3)(A) to be the representative of the Fed-
12 eral Government on the Commission.

13 (3) The term “county” includes a parish.

14 (4) The term “member” means a member of
15 the Commission.

16 (5) The term “voting member” means a mem-
17 ber other than the Counsel.

18 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated to carry out
20 this Act \$151,000,000 for fiscal year 1994 and such sums
21 as may be necessary for each succeeding fiscal year.

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