

103^D CONGRESS
1ST SESSION

H. R. 886

To provide mandate relief and assistance to State and local governments,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 1993

Mr. CLINGER (for himself, Mr. SHAYS, Mr. SCHIFF, Mr. MCHUGH, Mr. HORN, Mr. ZIMMER, Mr. MCCANDLESS, Mr. RANGEL, Mr. HOBSON, Mr. GUNDERSON, Mr. ZELIFF, Mr. THOMAS of Wyoming, Mr. BARTLETT of Maryland, and Mr. MICA) introduced the following bill; which was referred jointly to the Committees on Government Operations and Rules

A BILL

To provide mandate relief and assistance to State and local
governments, and for other purposes.

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 “Mandate and Commu-
5 nity Assistance Reform Act”.

6 **SEC. 2. UNFUNDED FEDERAL MANDATE DEFINED.**

7 In this Act, the term “unfunded Federal mandate”
8 means a requirement established under a Federal statute
9 or regulation—

1 (1) that a State or local government, or both,
2 undertake a specific activity or provide a service
3 meeting minimum national standards; and

4 (2) for which the Federal Government does not
5 provide sufficient funds to undertake such activity or
6 provide such service.

7 **TITLE I—TERMINATION OR SUS-**
8 **PENSION OF UNFUNDED FED-**
9 **ERAL MANDATES; CONSOLI-**
10 **DATION AND SIMPLIFICATION**
11 **OF PLANNING AND REPORT-**
12 **ING REQUIREMENTS**

13 **SEC. 101. TERMINATION OR SUSPENSION OF UNFUNDED**
14 **FEDERAL MANDATES; CONSOLIDATION AND**
15 **SIMPLIFICATION OF PLANNING OR REPORT-**
16 **ING REQUIREMENTS.**

17 (a) IN GENERAL.—

18 (1) GENERAL RULE.—An unfunded Federal
19 mandate shall terminate or be suspended, or a plan-
20 ning or reporting requirement of a mandate shall be
21 consolidated or simplified, respectively, if—

22 (A) the Commission on Unfunded Federal
23 Mandates established under title II includes in
24 its final report under section 202(d) a rec-
25 ommendation pursuant to paragraph (2)(A),

1 (B), or (C) of that section that the unfunded
2 Federal mandate should terminate or be sus-
3 pended, or that the planning or reporting re-
4 quirement be consolidated or simplified; and

5 (B) a joint resolution disapproving all rec-
6 ommendations included in the final report is
7 not enacted in accordance with section 102 be-
8 fore the end of the 60-day period beginning on
9 the date of the submittal of that final report.

10 (2) COMPUTATION OF PERIOD.—The days on
11 which either House of the Congress is not in session
12 because of an adjournment of more than 3 days to
13 a day certain shall be excluded in the computation
14 of the 60-day period under subsection (a).

15 (b) APPLICATION.—A termination or suspension, or
16 a consolidation or simplification of a planning or reporting
17 requirement, respectively, of an unfunded Federal man-
18 date under this title shall apply in accordance with the
19 final recommendation for that termination, suspension,
20 consolidation, or simplification in the final report of the
21 Commission.

22 **SEC. 102. CONGRESSIONAL CONSIDERATION OF COMMIS-**
23 **SION FINAL REPORT.**

24 (a) TERMS OF THE RESOLUTION.—For purposes of
25 section 101(a)(1)(B), the term “joint resolution” means

1 only a joint resolution which is introduced within 20 days
2 after submittal of a final report to the Congress under
3 section 202(d)—

4 (1) which does not have a preamble;

5 (2) the matter after the resolving clause of
6 which is as follows: “That the Congress disapproves
7 the recommendations in the final report of the Com-
8 mission on Unfunded Federal Mandates as submit-
9 ted to the Congress on
10 _____”, the blank spaces
11 being appropriately filled in;

12 (3) the title of which is as follows: “Joint reso-
13 lution disapproving the recommendations of the
14 Commission on Unfunded Federal Mandates.”; and

15 (4) which is introduced only by the Chairman
16 or ranking minority party Member of the Committee
17 on Government Operations in the House of Rep-
18 resentatives, or by the Chairman or ranking minor-
19 ity party member of the Committee on Govern-
20 mental Affairs in the Senate.

21 (b) CONSIDERATION.—(1) On or after the third day
22 after the date on which the committee to which such a
23 resolution is referred has reported such a resolution, it is
24 in order (even though a previous motion to the same effect
25 has been disagreed to) to move to proceed to the consider-

1 ation of the resolution (but only on the day after the cal-
2endar day on which a Member announces to the House
3concerned the Member's intention to do so). All points of
4order against the resolution (and against consideration of
5the resolution) are waived. The motion is highly privileged
6in the House of Representatives and is privileged in the
7Senate and is not debatable. The motion is not subject
8to amendment, or to a motion to postpone, or to a motion
9to proceed to the consideration of other business. A motion
10to reconsider the vote by which the motion is agreed to
11or disagreed to shall not be in order. If a motion to pro-
12ceed to the consideration of the resolution is agreed to,
13the respective House shall immediately proceed to consid-
14eration of the joint resolution without intervening motion,
15order, or other business, and the resolution shall remain
16the unfinished business of the respective House until
17disposed of.

18 (2) Debate on the resolution, and on all debatable
19 motions and appeals in connection therewith, shall be lim-
20 ited to not more than 5 hours in the House of Representa-
21 tives, and not more than 10 hours in the Senate, which
22 shall be divided equally between those favoring and those
23 opposing the resolution. An amendment to the resolution
24 is not in order. A motion further to limit debate is in order
25 and not debatable. A motion to postpone, or a motion to

1 proceed to the consideration of other business, or a motion
2 to recommit the resolution is not in order. A motion to
3 reconsider the vote by which the resolution is agreed to
4 or disagreed to is not in order.

5 (3) Immediately following the conclusion of the de-
6 bate on a resolution described in subsection (a) and a sin-
7 gle quorum call at the conclusion of the debate if re-
8 quested in accordance with the rules of the appropriate
9 House, the vote on final passage of the resolution shall
10 occur.

11 (4) Appeals from the decisions of the Chair relating
12 to the application of the rules of the Senate or the House
13 of Representatives, as the case may be, to the procedure
14 relating to a resolution described in subsection (a) shall
15 be decided without debate.

16 (c) CONSIDERATION BY OTHER HOUSE.—(1) If, be-
17 fore the passage by one House of a resolution of that
18 House described in subsection (a), that House receives
19 from the other House a resolution described in subsection
20 (a), then the following procedures shall apply:

21 (A) The resolution of the other House shall not
22 be referred to a committee and may not be consid-
23 ered in the House receiving it except in the case of
24 final passage as provided in subparagraph (B)(ii).

1 (B) With respect to a resolution described in
2 subsection (a) of the House receiving the resolu-
3 tion—

4 (i) the procedure in that House shall be
5 the same as if no resolution had been received
6 from the other House; but

7 (ii) the vote on final passage shall be on
8 the resolution of the other House.

9 (2) Upon disposition of the resolution received from
10 the other House, it shall no longer be in order to consider
11 the resolution that originated in the receiving House.

12 (d) RULES OF THE SENATE AND HOUSE.—This sec-
13 tion is enacted by Congress—

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

22 (2) with full recognition of the constitutional
23 right of either House to change the rules (so far as
24 relating to the procedure of that House) at any time,

1 in the same manner, and to the same extent as in
2 the case of any other rule of that House.

3 **TITLE II—COMMISSION ON UN-**
4 **FUNDED FEDERAL MAN-**
5 **DATES**

6 **SEC. 201. ESTABLISHMENT.**

7 There is established a commission which shall be
8 known as the “Commission on Unfunded Federal Man-
9 dates” (in this title referred to as the “Commission”).

10 **SEC. 202. DUTIES OF COMMISSION.**

11 (a) STUDY AND RECOMMENDATIONS.—The Commis-
12 sion shall—

13 (1) investigate and review the role of unfunded
14 Federal mandates in relations among local, State,
15 and Federal governments;

16 (2) study and make recommendations to the
17 Congress regarding—

18 (A) the termination of those mandates that
19 are duplicative, or obsolete, or that lack prac-
20 tical utility;

21 (B) the temporary suspension of those
22 mandates that compound the fiscal difficulties
23 of State and local governments during periods
24 immediately following 2 consecutive quarters of
25 decline in real Gross National Product, and for

1 which suspension may be lifted immediately fol-
2 lowing 2 consecutive quarters of growth in real
3 Gross National Product;

4 (C) the consolidation or simplification of
5 planning or reporting requirements for man-
6 dates in order to reduce duplication and facili-
7 tate compliance by State and local governments;

8 (D) the establishment of common Federal
9 definitions or standards to be used by State and
10 local governments in complying with unfunded
11 mandates that use different definitions or
12 standards for the same terms or principles;

13 (E) a process by which State and local
14 governments can participate in meeting national
15 domestic objectives without the burden created
16 by unfunded Federal mandates, including the
17 development of suggestions for funding the
18 Federal mandates imposed after the date of the
19 enactment of this Act on State and local
20 governments;

21 (3) include in its final report recommendations
22 that the Federal Government relieve financial bur-
23 dens on State and local governments by decreasing
24 the operating, administrative, and financial respon-
25 sibilities of State and local governments for one or

1 more federally mandated programs which require
2 that Federal funding be augmented by non-Federal
3 funds; and

4 (4) include in its final report recommendations
5 that State or local governments assume increased
6 operating, or administrative responsibilities for one
7 or more programs which, as of the date of enact-
8 ment of this Act, are fully or partially funded, oper-
9 ated, or administered by the Federal Government
10 but which the Commission determines would be op-
11 erated or administered more effectively and effi-
12 ciently by States and localities.

13 In making recommendations under paragraphs (3) and
14 (4), the Commission shall ensure that implementation of
15 those recommendations will result in a net decrease in
16 obligations and outlays by each unit of State and local
17 government.

18 (b) CRITERIA.—

19 (1) IN GENERAL.—The Commission shall estab-
20 lish criteria for making recommendations under sub-
21 section (a)(2) (A), (B), and (C).

22 (2) SUBMISSION OF PROPOSED CRITERIA.—Not
23 later than 60 days after the Commission is con-
24 vened, the Commission shall submit to the Commit-
25 tee on Government Operations of the House of Rep-

1 representatives and the Committee on Governmental
2 Affairs of the Senate proposed criteria under this
3 subsection, and thereafter provide a period of 30
4 days for those committees to comment on and rec-
5 ommend changes in the criteria.

6 (3) FINAL CRITERIA.—Not later than 45 days
7 after the date of the submittal of proposed criteria,
8 the Commission shall—

9 (A) consider comments and recommenda-
10 tions received under paragraph (2);

11 (B) adopt and incorporate any of those
12 recommendations the Commission determines
13 will aid the Commission in carrying out its du-
14 ties; and

15 (C) issue final criteria under this sub-
16 section.

17 (c) PRELIMINARY REPORT.—

18 (1) IN GENERAL.—Not later than 630 days
19 after the completion of appointment of the members
20 of the Commission, the Commission shall—

21 (A) prepare and publish a preliminary re-
22 port on its activities under this title, including
23 preliminary recommendations pursuant to sub-
24 section (a)(2);

1 (B) publish in the Federal Register a no-
2 tice of availability of the preliminary report;
3 and

4 (C) provide copies of the preliminary re-
5 port to the public upon request.

6 (2) PUBLIC HEARINGS.—The Commission shall
7 hold public hearings on the preliminary rec-
8 ommendations contained in the preliminary report of
9 the Commission under this subsection.

10 (d) FINAL REPORT.—Not later than 120 days after
11 the date of the publication of the preliminary report under
12 subsection (c), the Commission shall submit to the Con-
13 gress and the President a final report on the findings, con-
14 clusions, and recommendations of the Commission, includ-
15 ing final recommendations pursuant to subsection (a)(2)
16 (A), (B), and (C) and subsection (a)(3) and (4).

17 **SEC. 203. MEMBERSHIP.**

18 (a) NUMBER AND APPOINTMENT.—

19 (1) IN GENERAL.—The Commission shall be
20 composed of 8 members appointed by the President,
21 by and with the advise and consent of the Senate,
22 from individuals who possess extensive leadership ex-
23 perience in and knowledge of State and local govern-
24 ment and intergovernmental relations.

1 (2) LIMITATION.—An individual who is a Mem-
2 ber or employee of the Congress may not be ap-
3 pointed or serve as a member of the Commission.

4 (b) WAIVER OF LIMITATION ON EXECUTIVE SCHED-
5 ULE POSITIONS.—Appointments may be made under this
6 section without regard to section 5311(b) of title 5, United
7 States Code.

8 (c) POLITICAL AFFILIATION.—Not more than 4
9 members of the Commission may be of the same political
10 party.

11 (d) TERMS.—

12 (1) IN GENERAL.—Each member of the Com-
13 mission shall be appointed for the life of the Com-
14 mission.

15 (2) VACANCIES.—A vacancy in the Commission
16 shall be filled in the manner in which the original
17 appointment was made.

18 (e) BASIC PAY.—

19 (1) RATES OF PAY.—Members of the Commis-
20 sion shall serve without pay.

21 (2) PROHIBITION OF COMPENSATION OF FED-
22 ERAL EMPLOYEES.—Members of the Commission
23 who are full-time officers or employees of the United
24 States may not receive additional pay, allowances, or

1 benefits by reason of their service on the Commis-
2 sion.

3 (f) TRAVEL EXPENSES.—Each member of the Com-
4 mission shall receive travel expenses, including per diem
5 in lieu of subsistence, in accordance with sections 5702
6 and 5703 of title 5, United States Code.

7 (g) CHAIRPERSON.—The President shall designate a
8 member of the Commission as Chairperson at the time of
9 the appointment of that member.

10 (h) MEETINGS.—

11 (1) IN GENERAL.—Subject to paragraph (2),
12 the Commission shall meet at the call of the Chair-
13 person or a majority of its members.

14 (2) FIRST MEETING.—The Commission shall
15 convene its first meeting by not later than 45 days
16 after the date of the completion of appointment of
17 the member of the Commission.

18 (3) QUORUM.—A majority of members of the
19 Commission shall constitute a quorum but a lesser
20 number may hold hearings.

21 **SEC. 204. DIRECTOR AND STAFF OF COMMISSION; EXPERTS**
22 **AND CONSULTANTS.**

23 (a) DIRECTOR.—The Commission shall, without re-
24 gard to section 5311(b) of title 5, United States Code,
25 have a Director who shall be appointed by the Commis-

1 sion. The Director shall be paid at the rate of basic pay
2 payable for level IV of the Executive Schedule.

3 (b) STAFF.—With the approval of the Commission,
4 and without regard to section 5311(b) of title 5, United
5 States Code, the Director may appoint and fix the pay
6 of such staff as is sufficient to enable the Commission to
7 carry out its duties.

8 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE
9 LAWS.—The Director and staff of the Commission may
10 be appointed without regard to the provisions of title 5,
11 United States Code, governing appointments in the com-
12 petitive service, and may be paid without regard to the
13 provisions of chapter 51 and subchapter III of chapter 53
14 of that title relating to classification and General Schedule
15 pay rates, except that an individual so appointed may not
16 receive pay in excess of the annual rate of basic pay
17 payable for GS–18 of the General Schedule.

18 (d) EXPERTS AND CONSULTANTS.—The Commission
19 may procure temporary and intermittent services of ex-
20 perts or consultants under section 3109(b) of title 5,
21 United States Code.

22 (e) STAFF OF FEDERAL AGENCIES.—Upon request
23 of the Director, the head of any Federal department or
24 agency may detail, on a reimbursable basis, any of the

1 personnel of that department or agency to the Commission
2 to assist it in carrying out its duties under this title.

3 **SEC. 205. POWERS OF COMMISSION.**

4 (a) HEARINGS AND SESSIONS.—The Commission
5 may, for the purpose of carrying out this title, hold hear-
6 ings, sit and act at times and places, take testimony, and
7 receive evidence as the Commission considers appropriate.

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 which the Commission is
11 authorized to take by this section.

12 (c) OBTAINING OFFICIAL DATA.—The Commission
13 may secure directly from any department or agency of the
14 United States information necessary to enable it to carry
15 out this title. Upon request of the Chairperson of the Com-
16 mission, the head of that department or agency shall fur-
17 nish that information to the Commission.

18 (d) MAILS.—The Commission may use the United
19 States mails in the same manner and under the same con-
20 ditions as other departments and agencies of the United
21 States.

22 (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon
23 the request of the Commission, the Administrator of Gen-
24 eral Services shall provide to the Commission, on a reim-
25 bursable basis, the administrative support services nec-

1 essary for the Commission to carry out its duties under
2 this title.

3 (f) **CONTRACT AUTHORITY.**—The Commission may,
4 subject to appropriations, contract with and compensate
5 government and private agencies or persons for property
6 and services used to carry out its duties under this title.

7 **SEC. 206. TERMINATION.**

8 The Commission shall terminate 90 days after sub-
9 mitting its final report pursuant to section 202(d).

10 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated to the Com-
12 mission \$12,000,000 to carry out this title.

13 **TITLE III—INTEGRATED**
14 **FEDERAL ASSISTANCE**

15 **SEC. 301. SHORT TITLE.**

16 This title may be cited as the “Community Assistance
17 Improvement Act of 1992”.

18 **SEC. 302. PURPOSE.**

19 The purposes of this title are the following:

20 (1) To encourage the integration of Federal
21 grant programs by local governments, when such in-
22 tegration would further the goals and objectives of
23 the grant programs integrated.

24 (2) To enable more efficient use of Federal,
25 State, and local resources.

1 (3) To enable local governments to adapt pro-
2 grams of Federal assistance to the particular needs
3 of low-income citizens and the operating practices of
4 recipients, by drawing upon appropriations available
5 from more than one Federal program.

6 (4) To enable recipients of Federal assistance
7 to more effectively target resources toward areas of
8 significant need for low-income citizens, by integrat-
9 ing programs and program funds across existing
10 Federal assistance categories.

11 **SEC. 303. PROVISION OF FEDERAL ASSISTANCE IN ACCORD-**
12 **ANCE WITH APPROVED INTEGRATED ASSIST-**
13 **ANCE PLAN.**

14 (a) PAYMENTS TO LOCAL GOVERNMENTS.—Notwith-
15 standing any other provision of law, amounts available to
16 a local government under a covered Federal assistance
17 program included in an approved integrated assistance
18 plan shall be provided to and used by the local government
19 in accordance with that approved integrated assistance
20 plan.

21 (b) ELIGIBILITY FOR BENEFITS.—An individual or
22 family that is eligible for benefits or services under a Fed-
23 eral program that is a covered Federal assistance program
24 included in an approved integrated assistance plan may
25 receive those benefits only in accordance with the plan.

1 **SEC. 304. APPLICATION FOR APPROVAL OF INTEGRATED**
2 **ASSISTANCE PLAN.**

3 (a) IN GENERAL.—An eligible local government may
4 submit to the Interagency Review Council in accordance
5 with this section an application for approval of an inte-
6 grated assistance plan.

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

9 (1) a proposed integrated assistance plan that
10 complies with subsection (c);

11 (2) certification by each official who has respon-
12 sibility under State or local law for administering as-
13 sistance that is provided to the local government (di-
14 rectly or through intervening grantees or other re-
15 cipients) under a covered Federal assistance pro-
16 gram under the plan, that the official approves and
17 will assist in implementing the plan;

18 (3) certification by the chief executive of the
19 local government, and such additional assurances as
20 may be required by the Interagency Review Council
21 (which shall include certification from the Attorney
22 General of the State of the applicant), that—

23 (A) the local government has the ability
24 and authority to implement the proposed plan,
25 either directly or through contractual or other

1 arrangements, throughout the geographic area
2 in which the proposed plan is intended to apply;

3 (B) amounts are available from non-Fed-
4 eral sources to pay the non-Federal share of
5 any covered Federal assistance programs under
6 the proposed plan; and

7 (C) low income individuals and families
8 that reside in that geographic area participated
9 in the development of the proposed plan;

10 (4) comments on the proposed plan prepared
11 under subsection (d) by the Governor of the State
12 of the local government; and

13 (5) any other information the Interagency Re-
14 view Council may require to approve the proposed
15 plan.

16 (c) CONTENTS OF PLAN.—An integrated assistance
17 plan submitted by a local government under this section
18 shall include the following:

19 (1) GEOGRAPHIC AREA.—The geographic area
20 to which the plan applies and the rationale for so de-
21 fining the area.

22 (2) RECIPIENTS.—The particular groups of in-
23 dividuals, by age, service needs, economic cir-
24 cumstances, or other defining factors, who will re-
25 ceive services and benefits under the plan.

1 (3) GOALS AND PERFORMANCE CRITERIA.—
2 Specific goals and measurable performance criteria,
3 how the plan is expected to attain those goals and
4 criteria, how performance will be measured, and a
5 system for the comprehensive evaluation of the im-
6 pact of the plan on participants, the community, and
7 program costs.

8 (4) PUBLIC PARTICIPATION.—Elements that
9 will assist individuals and families who will receive
10 benefits under the plan to participate actively in de-
11 veloping both long- and short-range plans for bene-
12 fits provided under the plan and in deciding other
13 matters, including—

14 (A) the scope of services necessary and de-
15 sired to meet the full range of the individual's
16 or family's needs,

17 (B) the choice of provider, and

18 (C) any other choices affecting the service
19 design for that individual or family.

20 (5) COVERED FEDERAL ASSISTANCE PRO-
21 GRAMS.—The eligible Federal assistance programs
22 to be included as covered Federal assistance pro-
23 grams under the plan and the specific benefits that
24 will be provided under the plan pursuant to those
25 programs, including criteria for determining eligi-

1 bility for benefits under the system, the services
2 available, the amounts and form (such as cash, in-
3 kind contributions, or financial instruments) of non-
4 service benefits, and any other descriptive informa-
5 tion the Interagency Review Council considers nec-
6 essary to approve the plan.

7 (6) FEDERAL REQUIREMENTS TO BE
8 WAIVED.—Any Federal statutory or regulatory re-
9 quirement applicable under a covered Federal assist-
10 ance program under the plan, the waiver of which is
11 necessary in order to implement the plan.

12 (7) FISCAL CONTROL AND ACCOUNTABILITY.—
13 Fiscal control and related accountability procedures
14 applicable under the plan.

15 (8) SOURCES OF NON-FEDERAL FUNDS.—A de-
16 scription of the sources of all non-Federal funds that
17 are required to carry out covered Federal assistance
18 programs under the plan.

19 (9) OTHER INFORMATION.—Any other informa-
20 tion the Interagency Review Council may require to
21 approve the plan.

22 (d) PROCEDURE FOR APPLYING.—

23 (1) SUBMISSION TO GOVERNOR—To apply for
24 approval of an integrated assistance plan, a local
25 government shall submit a completed application

1 under this section to the Governor of the State in
2 which the local government is located.

3 (2) SUBMISSION BY GOVERNOR.—A Governor
4 who receives an application from a local government
5 under paragraph (1) shall, by not later than 30 days
6 after the date of that receipt—

7 (A) prepare comments on the proposed in-
8 tegrated assistance plan included in the applica-
9 tion; and

10 (B) submit the application and comments
11 to the Interagency Review Council.

12 **SEC. 305. REVIEW AND APPROVAL OF INTEGRATED ASSIST-**
13 **ANCE PLANS.**

14 (a) REVIEW OF APPLICATIONS.—Upon receipt of an
15 application for approval of an integrated assistance plan
16 under this title, the Interagency Review Council shall—

17 (1) review the application and plan in a timely
18 fashion;

19 (2) approve or disapprove the plan within 45
20 days after receipt of the application;

21 (3) notify the applicant local government in
22 writing of that approval or disapproval by not later
23 than 15 days after the date of that approval or dis-
24 approval; and

1 (4) in the case of any disapproval of a plan, in-
2 clude a written justification of the reasons for dis-
3 approval in the notice of disapproval sent to appli-
4 cant governments.

5 (b) APPROVAL.—

6 (1) REQUIREMENTS.—The Interagency Review
7 Council may approve an integrated assistance plan
8 for which an application is submitted under this
9 title, or any part of such a plan, if a majority of
10 members of the Council determines that—

11 (A) the plan (or part) will improve the ef-
12 fectiveness and efficiency of providing benefits
13 under covered Federal programs under the plan
14 by reducing administrative rigidity, duplication,
15 and unnecessary expenditures;

16 (B) the applicant local government has
17 adequately considered, and the plan appro-
18 priately addresses, any effect that administra-
19 tion of each covered Federal program under the
20 plan (or part) will have on administration of the
21 other covered Federal programs under that
22 plan;

23 (C) the applicant local government has or
24 is developing data bases, planning, and evalua-

1 tion processes that are adequate for implement-
2 ing the plan;

3 (D) implementation of the plan will ade-
4 quately achieve the purposes of this title and of
5 each covered Federal assistance program under
6 the plan;

7 (E) the plan and the application for ap-
8 proval of the plan comply with the requirements
9 of this title;

10 (F) the plan is adequate to ensure that in-
11 dividuals and families that receive benefits
12 under covered Federal assistance programs
13 under the plan will continue to receive benefits
14 under the plan that meet the needs intended to
15 be met under the program; and

16 (G) the level of those benefits will not be
17 reduced for any individual or family.

18 (2) LIMITATION.—The Interagency Review
19 Council may not approve an integrated assistance
20 plan under this title if implementation of the plan
21 would result in any increase in the total amount of
22 obligations or outlays of discretionary appropriations
23 or direct spending under covered Federal assistance
24 programs under the plan, over the amounts of such

1 obligations and outlays that would occur under those
2 programs without implementation of the plan.

3 (3) APPROVAL IN WHOLE OR IN PART.—

4 (A) IN GENERAL.—The Interagency Re-
5 view Council may approve an integrated assist-
6 ance plan under this section, or any part of the
7 plan.

8 (B) DISAPPROVAL OF PART OF PLAN RE-
9 QUIRED.—The Interagency Review Council
10 shall disapprove a part of an integrated assist-
11 ance plan if a majority of the Council dis-
12 approves that part of the plan based on a fail-
13 ure of the part to comply with paragraph (1).

14 (4) PERIOD OF PLAN.—In approving an inte-
15 grated assistance plan under this section, the Inter-
16 agency Review Council shall specify the period dur-
17 ing which the plan is effective. No plan shall be ef-
18 fective after the date of the termination of effective-
19 ness of this title under section 311(a).

20 (5) ELIGIBILITY UNDER FEDERAL PROGRAMS
21 NOT AFFECTED.—Disapproval by the Interagency
22 Review Council of an integrated assistance plan sub-
23 mitted by a local government under this title shall
24 not affect the eligibility of the local government or

1 of any individual for benefits under any Federal
2 program.

3 (c) MEMORANDA OF UNDERSTANDING.—

4 (1) IN GENERAL.—The Interagency Review
5 Council may not approve an integrated Federal as-
6 sistance plan unless the local government which ap-
7 plies for that approval enters into a memorandum of
8 understanding under this subsection with the Inter-
9 agency Review Council.

10 (2) TERMS.—A memorandum of understanding
11 under this subsection shall specify all understand-
12 ings that have been reached by the Interagency Re-
13 view Council and the local government regarding the
14 approval and implementation of the integrated as-
15 sistance plan that is the subject of the memoran-
16 dum, including with respect to—

17 (A) all requirements under covered Federal
18 assistance programs that are to be waived by
19 the Interagency Review Council pursuant to
20 section 306(b);

21 (B) the total amount of Federal funds that
22 will be provided as benefits under or used to ad-
23 minister the plan, or a mechanism for determin-
24 ing that amount, including specification of the
25 total amount of Federal funds that will be pro-

1 vided or used under each covered Federal
2 assistance program;

3 (C) the sources of all non-Federal funds
4 that will be provided as benefits under or used
5 to administer the plan;

6 (D) measurable performance criteria that
7 will be used during the term of the plan to de-
8 termine the extent to which the goals and per-
9 formance levels of the plan are achieved; and

10 (E) the data to be collected to make that
11 determination.

12 (d) LIMITATION.—The Interagency Review Council
13 may not, as a condition of approval of an integrated assist-
14 ance plan or with respect to the implementation of an ap-
15 proved integrated assistance plan, establish any confiden-
16 tiality requirement which would impede the exchange of
17 information needed for the design or provision of benefits
18 under the plan or conflict with existing law.

19 **SEC. 306. IMPLEMENTATION OF APPROVED INTEGRATED**
20 **ASSISTANCE PLANS.**

21 (a) PAYMENTS AND ADMINISTRATION IN ACCORD-
22 ANCE WITH PLAN.—Notwithstanding any other law, any
23 benefit which, under an eligible Federal assistance pro-
24 gram, is required to be provided to or administered by a
25 State or local government official shall be paid or adminis-

1 tered in the manner specified in an approved integrated
2 assistance plan if the certification of that official is in-
3 cluded in the application for approval of the plan pursuant
4 to section 304(b)(2).

5 (b) WAIVER OF REQUIREMENTS.—

6 (1) IN GENERAL.—Notwithstanding any other
7 provision of law, the Interagency Review Council
8 may waive any requirement applicable under Federal
9 law to the administration of, or provision of benefits
10 under, any eligible Federal assistance program that
11 is a covered Federal assistance program under an
12 approved integrated assistance plan, if that waiver
13 is—

14 (A) reasonably necessary for the implemen-
15 tation of the plan; and

16 (B) approved by a majority of members of
17 the Interagency Review Council.

18 (2) FINDING REQUIRED.—The Interagency Re-
19 view Council may not waive a requirement under
20 this subsection unless the Council finds that waiver
21 of the requirement will not result in a reduction in
22 services or benefits for any individual or family that
23 is eligible for benefits under a covered Federal
24 assistance program.

1 (3) LIMITATIONS.—The Interagency Review
2 Council may not waive under this subsection any re-
3 quirement—

4 (A) established by statute or regulation
5 under—

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

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

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

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

14 (B) for payment of a non-Federal share of
15 funding of an activity under a covered Federal
16 assistance program.

17 (c) EVALUATION AND TERMINATION.—

18 (1) IN GENERAL.—A local government, in ac-
19 cordance with regulations to be issued by the Inter-
20 agency Review Council, shall—

21 (A) submit such reports on and cooperate
22 in such audits of the implementation of its ap-
23 proved integrated assistance program as the
24 Interagency Review Council may require; and

1 (B) pursuant to regulations to be issued by
2 the Interagency Review Council periodically
3 evaluate the effect that implementation of the
4 plan has had on—

5 (i) individuals who receive benefits
6 under the plan;

7 (ii) communities where those individ-
8 uals live; and

9 (iii) costs of administering covered
10 Federal assistance programs under the
11 plan.

12 (2) ANNUAL REPORTS.—Not later than 90 days
13 after the end of the 1-year period beginning on the
14 date of the approval by the Interagency Review
15 Council of an approved integrated assistance plan of
16 a local government, and annually thereafter, the
17 local government shall submit to the Interagency Re-
18 view Council a report on the principal activities and
19 achievements under the plan during the period cov-
20 ered by the report, and comparing those achieve-
21 ments to the goals and measurable performance cri-
22 teria included in the plan pursuant to section
23 304(c)(3).

24 (3) TERMINATION OF PLAN.—

1 (A) IN GENERAL.—If the Interagency Re-
2 view Council, after consultation with the head
3 of each Federal agency responsible for admin-
4 istering a covered Federal assistance program
5 under an approved integrated assistance plan of
6 a local government, determines that—

7 (i) the local government has substan-
8 tially failed to achieve the goals and per-
9 formance criteria included in the plan pur-
10 suant to section 304(c)(3); and

11 (ii) in consideration of any experiences
12 gained in implementation of the plan,
13 those goals and criteria are sound;

14 the Interagency Review Council may terminate
15 the effectiveness of the plan.

16 (B) TIMING.—In terminating the effective-
17 ness of an approved integrated assistance plan
18 under this paragraph, the Interagency Review
19 Council shall allow a reasonable period of time
20 for appropriate Federal, State, and local agen-
21 cies to resume administration of Federal pro-
22 grams that were covered Federal assistance
23 programs under the plan.

24 (d) FINAL REPORT; EXTENSION OF PLANS.—

1 (1) FINAL REPORT OF LOCAL GOVERNMENT.—
2 Not later than 45 days after the end of the effective
3 period of an approved integrated assistance plan of
4 a local government, or at any time that the local
5 government determines that the plan has dem-
6 onstrated its worth and proven to be a superior way
7 to provide benefits under covered Federal assistance
8 programs under the plan, the local government shall
9 submit a final report on its implementation of the
10 plan (including a full evaluation of the successes and
11 shortcomings of the plan and the effects of that im-
12 plementation on individuals who receive benefits
13 under those programs) to the Interagency Review
14 Council.

15 (2) EXTENSION OF PLAN.—The Interagency
16 Review Council may extend the effective period of an
17 approved integrated assistance plan for such period
18 as may be appropriate, based on the report of a local
19 government under paragraph (1).

20 **SEC. 307. COMMUNITY ADVISORY COMMITTEES.**

21 (a) ESTABLISHMENT.—A local government which ap-
22 plies for approval of an integrated assistance plan under
23 this title shall establish a Community Advisory Committee
24 in accordance with this section.

1 (b) FUNCTIONS.—A Community Advisory Committee
2 shall advise a local government in the development and
3 implementation of its integrated assistance plan, including
4 with respect to—

5 (1) conducting public hearings;

6 (2) representing the interest of low income indi-
7 viduals and families; and

8 (3) reviewing and commenting on all commu-
9 nity policies, programs, and actions under the plan
10 which affect low income individuals and families,
11 with the purpose of assuring maximum coordination
12 and responsiveness of the plan in providing benefits
13 under the plan to those individuals and families.

14 (c) MEMBERSHIP.—The membership of a Community
15 Advisory Committee shall—

16 (1) consist of—

17 (A) low income individuals, who shall—

18 (i) comprise at least one-third of the
19 membership, and

20 (ii) include minority individuals who
21 are participants or who qualify to partici-
22 pate in eligible Federal assistance pro-
23 grams;

24 (B) representatives of low income individ-
25 uals and families;

1 (C) representatives of services provider or-
2 ganizations;

3 (D) persons with leadership experience in
4 the private and voluntary sectors;

5 (E) local elected officials; and

6 (F) the general public; and

7 (2) include individuals and representatives of
8 community organizations who will help to enhance
9 the leadership role of the local government in devel-
10 oping an integrated assistance plan.

11 (d) OPPORTUNITY FOR REVIEW AND COMMENT BY
12 COMMITTEE.—Before submitting an application for ap-
13 proval of a final proposed integrated assistance plan for
14 approval under this title, a local government shall submit
15 the plan for review and comment by a Community Advi-
16 sory Committee established by the local government.

17 **SEC. 308. TECHNICAL AND OTHER ASSISTANCE.**

18 (a) TECHNICAL ASSISTANCE.—

19 (1) IN GENERAL.—The Interagency Review
20 Council may provide, or direct that the head of a
21 Federal agency provide, technical assistance to a
22 local government in developing information nec-
23 essary for the design or implementation of an inte-
24 grated assistance plan for which approval is applied
25 for under this title.

1 (2) REQUEST AND ASSURANCES.—Assistance
2 may be provided under this subsection only upon re-
3 ceipt of a request from a local government that in-
4 cludes, in accordance with requirements to be estab-
5 lished by the Interagency Review Council—

6 (A) a description of the nature of the inte-
7 grated assistance plan the local government
8 proposes to develop;

9 (B) the groups of individuals to whom ben-
10 efits will be provided under covered Federal as-
11 sistance programs under the plan; and

12 (C) such assurances as the Interagency
13 Review Council may require that—

14 (i) in the development of the applica-
15 tion to be submitted under this title for ap-
16 proval of the plan, the local government
17 will provide adequate opportunities to par-
18 ticipate to—

19 (I) low income individuals and
20 families that will receive benefits
21 under covered Federal assistance pro-
22 grams under the plan; and

23 (II) governmental agencies that
24 administer those programs; and

1 (ii) the plan will be developed only
2 after considering fully—

3 (I) needs expressed by those indi-
4 viduals and families;

5 (II) community priorities; and

6 (III) available governmental re-
7 sources in the geographic area to
8 which the plan will apply.

9 (b) DETAILS TO COUNCIL.—At the request of the
10 Chairman of the Interagency Review Council and with the
11 approval of the Secretary of a department, staff of the
12 department may be detailed to the Interagency Review
13 Council on a nonreimbursable basis.

14 **SEC. 309. INTERAGENCY REVIEW COUNCIL.**

15 (a) COMPOSITION.—There is established the Inter-
16 agency Review Council, which shall be comprised of—

17 (1) an individual appointed by the Secretary of
18 Agriculture;

19 (2) an individual appointed by the Attorney
20 General of the United States;

21 (3) an individual appointed by the Secretary of
22 Education;

23 (4) an individual appointed by the Secretary of
24 Health and Human Services;

1 (5) an individual appointed by the Secretary of
2 Housing and Urban Development;

3 (6) an individual appointed by the Secretary of
4 Labor; and

5 (7) an individual appointed by the President,
6 who shall serve as Chairperson of the Interagency
7 Review Council.

8 (b) FUNCTIONS.—The Interagency Review Council
9 shall—

10 (1) receive, review, and approve or disapprove
11 integrated assistance plans for which approval is ap-
12 plied under this title;

13 (2) pursuant to a request from an applicant for
14 such approval, direct the head of an agency which
15 administers a covered Federal program under which
16 the preponderance of Federal assistance would be
17 provided under the plan, to provide technical assist-
18 ance to the applicant;

19 (3) monitor the progress of development and
20 implementation of integrated assistance plans; and

21 (4) perform such other functions as are as-
22 signed to the Interagency Review Council by this
23 title.

1 (c) POWERS OF COUNCIL MEMBERS.—Each Inter-
2 agency Review Council member shall have the authority
3 to—

4 (1) vote on behalf of the department head who
5 appointed the member to approve or disapprove an
6 integrated assistance plan in whole or in part;

7 (2) vote on behalf of that department head to
8 waive any Federal requirements for Federal pro-
9 grams for which waiver is sought and for which
10 waiver is necessary for the success of the program.

11 **SEC. 310. DEFINITIONS.**

12 In this title—

13 (1) APPROVED INTEGRATED ASSISTANCE
14 PLAN.—The term “approved integrated assistance
15 plan” means an integrated assistance plan, or any
16 part of such a plan, that is approved by the Inter-
17 agency Review Council under section 305.

18 (2) COMMUNITY ADVISORY COMMITTEE.—The
19 term “Community Advisory Committee” means such
20 a council established in accordance with section 306
21 by a local government.

22 (3) COVERED FEDERAL ASSISTANCE PRO-
23 GRAM.—The term “covered Federal assistance pro-
24 gram” means an eligible Federal assistance program

1 that is included under an integrated assistance plan
2 of a local government.

3 (4) ELIGIBLE FEDERAL ASSISTANCE PRO-
4 GRAM.—The term “eligible Federal assistance pro-
5 gram”—

6 (A) means any Federal program under
7 which assistance is available, directly or indi-
8 rectly, to a local government to carry out a pro-
9 gram for—

- 10 (i) education,
- 11 (ii) employment training,
- 12 (iii) health,
- 13 (iv) housing,
- 14 (v) nutrition, or
- 15 (vi) other social services; and

16 (B) does not include any Federal program
17 under which assistance is provided by the Fed-
18 eral Government directly to a beneficiary of
19 that assistance.

20 (5) ELIGIBLE LOCAL GOVERNMENT.—The term
21 “eligible local government” means a general purpose
22 local government that is receiving or eligible to re-
23 ceive assistance under 1 or more covered Federal
24 programs.

1 (6) INTERAGENCY REVIEW COUNCIL.—The
2 term “Interagency Review Council” means such
3 council established under section 308.

4 (7) INTEGRATED ASSISTANCE PLAN.—The term
5 “integrated assistance plan” means a comprehensive
6 plan for the integration and administration by a
7 local government of assistance provided by the Fed-
8 eral Government under 2 or more covered Federal
9 assistance programs.

10 (8) LOCAL GOVERNMENT.—The term “local
11 government” means any subdivision of a State that
12 is a unit of general purpose local government.

13 (9) LOW INCOME.—The term “low income”
14 means having an income that is not greater than
15 200 percent of the Federal poverty income level.

16 (10) STATE.—The term “State” means the 50
17 States, the District of Columbia, Puerto Rico, Amer-
18 ican Samoa, Guam, and the Virgin Islands.

19 **SEC. 311. TERMINATION; REPORT.**

20 (a) TERMINATION.—This title shall not be effective
21 after the date that is 5 years after the date of its enact-
22 ment.

23 (b) REPORT.—The Comptroller General of the Unit-
24 ed States shall submit to the Congress, by no later than
25 4 years after the date of the enactment of this Act, a re-

1 port describing the extent to which local governments have
2 established and implemented integrated assistance plans,
3 evaluating the effectiveness of covered programs, and in-
4 cluding recommendations with respect to continuing inte-
5 grated assistance.

6 **TITLE IV—ESTIMATION OF LEG-**
7 **ISLATIVE IMPACT ON STATE**
8 **AND LOCAL GOVERNMENTS**

9 **SEC. 401. ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.**

10 Section 403(a) of the Congressional Budget Act of
11 1974 is amended—

12 (1) by inserting “or conference report” before
13 “, and submit”; and

14 (2) by striking “if timely submitted to such
15 committee before such report is filed” and inserting
16 “or the joint explanatory statement accompanying
17 such conference report”.

18 **SEC. 402. RECONCILIATION INSTRUCTIONS.**

19 Section 310(a) of the Congressional Budget Act of
20 1974 is amended by striking “or” at the end of paragraph
21 (3), by striking the period and inserting “; or” at the end
22 of paragraph (4), and by inserting after paragraph (4) the
23 following:

24 “(5) direct any committee receiving an instruc-
25 tion under paragraph (1) or (2) to include the esti-

1 mate required by section 403(a) with the reconcili-
2 ation legislation that carries out such instruction.”.

3 **TITLE V—REGULATORY**
4 **FLEXIBILITY ANALYSIS**

5 **SEC. 501. JUDICIAL REVIEW.**

6 Section 611(b) of title 5, United States Code, is
7 amended in the second sentence by inserting “, and any
8 determination made by the head of a Federal agency for
9 purposes of section 605(b),” after “regulatory flexibility
10 analysis”.

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