

S 1134

Economic Development Administration Reauthorization Act of 2004

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Economics and Public Finance

Introduced: May 22, 2003

Current Status: Became Public Law No: 108-373.

Latest Action: Became Public Law No: 108-373. (Oct 27, 2004)

Law: 108-373 (Enacted Oct 27, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/senate-bill/1134>

Sponsor

Name: Sen. Bond, Christopher S. [R-MO]

Party: Republican • **State:** MO • **Chamber:** Senate

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Inhofe, James M. [R-OK]	R · OK		May 22, 2003
Sen. Jeffords, James M. [I-VT]	I · VT		Oct 6, 2004
Sen. Reid, Harry [D-NV]	D · NV		Oct 6, 2004

Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Reported By	Oct 1, 2004

Subjects & Policy Tags

Policy Area:

Economics and Public Finance

Related Bills

Bill	Relationship	Last Action
108 HR 2535	Related bill	Oct 21, 2003: Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.
108 HR 2454	Identical bill	Jun 23, 2003: Referred to the Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, for a period to be subsequently determined by the Chairman.

(This measure has not been amended since it was passed by the Senate on October 6, 2004. The summary of that version is repeated here.)

Economic Development Administration Reauthorization Act of 2004 - **Title I: General Provisions** - (Sec. 102) Amends the Public Works and Economic Development Act of 1965 (PWEDA) to revise the definition of an eligible recipient to: (1) remove the reference to an eligible recipient as an area having a low per capita income, an unemployment rate that is above the national average, or actual or threatened severe unemployment or economic adjustment problems; and (2) include as a city or other political subdivision of a State a special purpose unit of a State or local government engaged in economic or infrastructure development activities.

Defines "Regional Commissions" to mean: (1) the Appalachian Regional Commission; (2) the Delta Regional Authority; (3) the Denali Commission; and (4) the Northern Great Plains Regional Authority.

Defines "university centers" to mean an institution of higher education or a consortium of institutions of higher education established as a University Center for Economic Development.

(Sec. 103) Authorizes the Secretary of Commerce to provide technical assistance for economic development activities and partnerships to nonprofit entities. Removes the reference to adjoining States with respect to authorizing the Secretary to enter into a cooperative agreement with any two or more States, or an organization of any two or more States, in support of effective economic development.

(Sec. 104) Provides for the Secretary to: (1) coordinate with Indian tribes on activities related to the preparation and implementation of comprehensive economic development strategies; and (2) convene meetings with Federal agencies, State and local governments, economic development districts, Indian tribes, and other appropriate planning and development organizations to improve coordination between Federal agencies.

Title II: Grants for Public Works and Economic Development - (Sec. 201) Requires State plans developed with grants for planning to be developed, to the maximum extent practicable, cooperatively by the State's political subdivisions and economic development districts. Replaces requirements for certification of State plans by the Secretary with a requirement instructing the Secretary, before providing assistance for a State plan, to consider the extent to which the State will consider local and economic district plans. Requires any overall State economic development planning assisted as part of a comprehensive planning process to include consideration of the provision of public works to: (1) assist in carrying out a State's workforce investment strategy; and (2) promote the use of technology in economic development, including access to high-speed telecommunications.

(Sec. 202) Revises cost sharing requirements to limit the Federal share of the cost of any project to 50 percent plus an additional amount that shall not exceed 30 percent based on the relative needs of the area in which the project will be located. Allows the Secretary to increase the Federal cost share up to 100 percent for projects: (1) for Indian tribes and certain States, political subdivisions, and nonprofit organizations; and (2) that (in the case of grants for training, research, and technical assistance) the Secretary determines merit, and are not feasible without, such an increase.

(Sec. 203) Disallows the share of the project cost supported by a supplementary grant from exceeding the applicable Federal share under this Act. Revises requirements regarding the forms of supplementary grants.

(Sec. 204) Directs the Secretary, in promulgating rules, regulations, and procedures for assistance, to ensure that: (1)

rural and urban economically distressed areas are not harmed by the establishment of a private sector leveraging goal for a project; (2) any such goal does not prohibit or discourage grant applicants from public works in, or economic development of, rural or urban economically distressed areas; (3) the relevant congressional committees are notified prior to making any changes to any such goal; and (4) grants under this title will promote job creation and will have a high probability of meeting or exceeding applicable performance requirements.

(Sec. 205) Authorizes the Secretary to make training, research, and technical assistance grants for: (1) studies to evaluate the effectiveness of coordinating funded projects with projects funded under other Acts; and (2) assessment, marketing, and establishment of business clusters. Permits, for an assisted project that is national or regional in scope, the waiver of the provision requiring a nonprofit organization or association to act in cooperation with officials of a political subdivision.

(Sec. 206) Repeals current provisions concerning the prevention of unfair competition.

(Sec. 207) Authorizes economic adjustment assistance for reinvesting in and diversifying the economies of communities that are injured by the loss of manufacturing jobs. Directs the Secretary to promulgate regulations to maintain the proper operation and financial integrity of revolving loan funds established by assistance recipients. Authorizes the Secretary: (1) at a grantee's request, to amend and consolidate grant agreements governing revolving loan funds to provide flexibility with respect to lending areas and borrower criteria; (2) assign or transfer assets of a revolving loan fund to a third party for liquidation; and (3) take actions to enable revolving loan fund operators to sell or securitize loans, except that the actions may not include issuance of a Federal guaranty. Prohibits any securities issued pursuant to such actions from being treated as exempted securities for purposes of the Securities Act of 1933 and the Securities Exchange Act of 1934, unless exempted by the Securities and Exchange Commission.

(Sec. 208) Revises provisions concerning the use of funds in projects constructed under projected cost to authorize the Secretary to: (1) approve the use of excess funds to increase the Federal share of a project's cost to the maximum percentage allowable or to improve the project; and (2) use any funds remaining following such increase for providing assistance under PWEDA. Directs the Comptroller General to regularly review implementation and to report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate (the congressional committees).

(Sec. 209) Authorizes the Secretary, upon the application of a grant recipient that is determined to be unable to comply with comprehensive economic development strategy requirements, to waive requirements and designate the area represented by the recipient as a special impact area. Authorizes the Secretary to make such designation only after determining that the project will fulfill a pressing need of the area and will: (1) be useful in alleviating or preventing conditions of excessive unemployment or underemployment; or (2) assist in providing useful employment opportunities for residents in the area. Directs the Secretary to submit to the congressional committees a written notice of the designation, including its justification.

(Sec. 210) Authorizes the Secretary to make performance incentive grants and establish performance measures in connection with project grants. Limits the amount of a performance incentive grant to ten percent of the project grant amount. Permits: (1) a recipient to use a performance incentive grant for any eligible purpose under PWEDA; and (2) a grant to be used for up to 100 percent of the cost of an eligible project or activity. Instructs the Secretary to include information regarding performance incentive grants in required annual reports. Requires the Comptroller General to review and transmit annual reports to the congressional committees on the implementation of such performance incentive program.

(Sec. 211) Authorizes the Secretary to make planning performance awards in connection with grants made to eligible recipients for projects located in economic development districts. Allows the Secretary to make an award to a recipient for a project if, before closeout of the project, the Secretary has determined that: (1) the recipient actively participated in the economic development activities of the economic development district in which the project is located; (2) the project is consistent with the district's comprehensive economic development strategy; (3) the recipient worked with Federal, State, and local economic development entities throughout project development; and (4) the project was completed in accordance with the district's strategy. Prohibits the amount of a performance planning award from exceeding five percent of the grant amount. Allows an award recipient to use the award to increase the Federal cost share of a project. Permits the amounts of an award to be used for up to 100 percent of a project's cost.

(Sec. 212) Allows a grant recipient to directly expend grant funds or redistribute them: (1) as subgrants to other eligible recipients, with the exception of for-profit entities, to fund required components of the approved scope of work; and (2) to public and private entities in the form of a grant, loan, loan guarantee, or payment to reduce interest on a loan guarantee.

(Sec. 213) Authorizes the Secretary to make grants to qualified eligible recipients for a project for the development of brownfield sites if the project will: (1) utilize solar energy technologies to develop abandoned or contaminated sites for commercial use; and (2) improve the commercial and economic opportunities in the area in which the project is located. Authorizes appropriations.

Title III: Comprehensive Economic Development Strategies - (Sec. 301) Includes Bureau of Economic Analysis, Bureau of Labor Statistics, Census Bureau, and Bureau of Indian Affairs data among the most recent Federal data available for purposes of eligibility determinations.

(Sec. 302) Requires a comprehensive economic development strategy to address economic problems in an area receiving assistance under PWEDA in a manner that: (1) maximizes effective development and use of the workforce consistent with any applicable State or local workforce investment strategy; and (2) promotes the use of technology in economic development (including access to high-speed telecommunications). Requires a comprehensive economic development strategy developed under another federally supported program that the Secretary has accepted for such an area to be consistent and coordinated with any such existing strategy.

Title IV: Economic Development Districts - (Sec. 402) Requires any economic development district in a region covered by one or more of the Regional Commissions to ensure that a copy of its comprehensive economic development strategy is provided to the affected Commission. (Currently, this requirement is applicable only to the Appalachian Regional Commission.)

Title V: Administration - (Sec. 501) Modifies provisions concerning the operation of the economic development information clearinghouse, including by specifying that the clearinghouse will be maintained on the Internet and by deleting references to political subdivisions and local laws.

(Sec. 502) Repeals provisions authorizing providing Federal agency procurement divisions with a list of the names and addresses of businesses that are located in economic distress areas and that seek to obtain Government contracts.

(Sec. 504) Requires the criteria for evaluation of a university center to include providing for an assessment of the center's program performance.

Title VI: Miscellaneous - (Sec. 601) Requires the Secretary's annual report on activities under PWEDA to include a list of all grant recipients by State (including the projected private sector dollar to Federal dollar investment ratio for each

recipient), a discussion of any private sector leveraging goal regarding grants awarded to rural and urban economically distressed areas and highly distressed areas, and the realized private sector dollar to Federal dollar investment ratio for the project.

(Sec. 603) Directs the Comptroller General to prepare and submit to Congress a report that evaluates the grants made by the Economic Development Administration (EDA) for the economic development of brownfield sites.

(Sec. 604) Provides that to the extent that any portion of grants made under the Act is used for an economic development project that involves remediation, the remediation shall be conducted in compliance with all applicable Federal, State, and local laws and standards.

(Sec. 605) Expresses the sense of Congress that the Secretary should maintain a sufficient number of Economic Development Representatives to ensure that EDA is able to provide effective assistance to distressed communities and foster economic growth and development among the States.

Title VII: Funding - (Sec. 701) Authorizes appropriations under PWEDA for: (1) economic development assistance programs for FY 2004 through 2008; and (2) salaries and expenses.

(Sec. 702) Makes funds available for grants for planning and administrative expenses.

Actions Timeline

- **Oct 27, 2004:** Signed by President.
- **Oct 27, 2004:** Became Public Law No: 108-373.
- **Oct 15, 2004:** Presented to President.
- **Oct 7, 2004:** Mr. LaTourette moved to suspend the rules and pass the bill.
- **Oct 7, 2004:** Considered under suspension of the rules. (consideration: CR H8344-8349)
- **Oct 7, 2004:** DEBATE - The House proceeded with forty minutes of debate on S. 1134.
- **Oct 7, 2004:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Oct 7, 2004:** Considered as unfinished business. (consideration: CR H8663)
- **Oct 7, 2004:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 388 - 31 (Roll no. 507).(text: CR H8344-8348)
- **Oct 7, 2004:** On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 388 - 31 (Roll no. 507). (text: CR H8344-8348)
- **Oct 7, 2004:** Motion to reconsider laid on the table Agreed to without objection.
- **Oct 6, 2004:** Measure laid before Senate by unanimous consent. (consideration: CR S10504-10512; text of measure as reported in Senate: CR S10504-10510)
- **Oct 6, 2004:** The committee substitute as amended agreed to by Unanimous Consent.
- **Oct 6, 2004:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **Oct 6, 2004:** Passed Senate with an amendment by Unanimous Consent.
- **Oct 6, 2004:** Received in the House.
- **Oct 6, 2004:** Message on Senate action sent to the House.
- **Oct 6, 2004:** Held at the desk.
- **Oct 1, 2004:** Committee on Environment and Public Works. Reported by Senator Inhofe with an amendment in the nature of a substitute. With written report No. 108-382. Additional views filed.
- **Oct 1, 2004:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 754.
- **Jun 23, 2004:** Committee on Environment and Public Works. Ordered to be reported with amendments favorably.
- **May 22, 2003:** Introduced in Senate
- **May 22, 2003:** Sponsor introductory remarks on measure. (CR S7037-7038)
- **May 22, 2003:** Read twice and referred to the Committee on Environment and Public Works. (text of measure as introduced: CR S7038-7040)

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