

(A) implementing the recommendations of the Northern Great Plains Rural Development Commission established by the Northern Great Plains Rural Development Act (7 U.S.C. 2661 note; Public Law 103-318);

(B) acquiring or developing land;

(C) constructing or equipping a highway, road, bridge, or facility;

(D) carrying out other economic development activities; or

(E) conducting research activities related to the activities described in subparagraphs (A) through (D).

(3) Indian tribe

The term “Indian tribe” has the meaning given the term in section 450b of title 25.

(4) Region

The term “region” means the States of Iowa, Minnesota, Missouri (other than counties included in the Delta Regional Authority), Nebraska, North Dakota, and South Dakota.

(Pub. L. 87-128, title III, §383A, as added Pub. L. 107-171, title VI, §6028, May 13, 2002, 116 Stat. 375; amended Pub. L. 110-234, title VI, §6026(a), May 22, 2008, 122 Stat. 1177; Pub. L. 110-246, §4(a), title VI, §6026(a), June 18, 2008, 122 Stat. 1664, 1939.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Par. (4), Pub. L. 110-246, §6026(a), inserted “Missouri (other than counties included in the Delta Regional Authority),” after “Minnesota,”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

§ 2009bb-1. Northern Great Plains Regional Authority

(a) Establishment

(1) In general

There is established the Northern Great Plains Regional Authority.

(2) Composition

The Authority shall be composed of—

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

(B) the Governor (or a designee of the Governor) of each State in the region that elects to participate in the Authority; and

(C) a member of an Indian tribe, who shall be a chairperson of an Indian tribe in the region or a designee of such a chairperson, to be appointed by the President, by and with the advice and consent of the Senate.

(3) Cochairpersons

The Authority shall be headed by—

(A) the Federal member, who shall serve—

(i) as the Federal cochairperson; and
(ii) as a liaison between the Federal Government and the Authority;

(B) a State cochairperson, who—

(i) shall be a Governor of a participating State in the region; and

(ii) shall be elected by the State members for a term of not less than 1 year; and

(C) the member of an Indian tribe, who shall serve—

(i) as the tribal cochairperson; and

(ii) as a liaison between the governments of Indian tribes in the region and the Authority.

(4) Failure to confirm

(A) Federal member

Notwithstanding any other provision of this section, if a Federal member described in paragraph (2)(A) has not been confirmed by the Senate by not later than 180 days after the date of enactment of this paragraph, the Authority may organize and operate without the Federal member.

(B) Indian Chairperson

In the case of the Indian Chairperson, if no Indian Chairperson is confirmed by the Senate, the regional authority shall consult and coordinate with the leaders of Indian tribes in the region concerning the activities of the Authority, as appropriate.

(b) Alternate members

(1) Alternate Federal cochairperson

The President shall appoint an alternate Federal cochairperson.

(2) State alternates

(A) In general

The State member of a participating State may have a single alternate, who shall be—

(i) a resident of that State; and

(ii) appointed by the Governor of the State.

(B) Quorum

A State alternate member shall not be counted toward the establishment of a quorum of the members of the Authority in any case in which a quorum of the State members is required to be present.

(3) Alternate tribal cochairperson

The President shall appoint an alternate tribal cochairperson, by and with the advice and consent of the Senate.

(4) Delegation of power

No power or responsibility of the Authority specified in paragraphs (2) and (3) of subsection (c), and no voting right of any member of the Authority, shall be delegated to any person who is not—

(A) a member of the Authority; or

(B) entitled to vote in Authority meetings.

(c) Voting

(1) In general

A decision by the Authority shall require a majority vote of the Authority (not including

any member representing a State that is delinquent under subsection (g)(2)(D)) to be effective.

(2) Quorum

A quorum of State members shall be required to be present for the Authority to make any policy decision, including—

- (A) a modification or revision of an Authority policy decision;
- (B) approval of a State or regional development plan; and
- (C) any allocation of funds among the States.

(3) Project and grant proposals

The approval of project and grant proposals shall be—

- (A) a responsibility of the Authority; and
- (B) conducted in accordance with section 2009bb-8 of this title.

(4) Voting by alternate members

An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal, State, or Indian tribe member for whom the alternate member is an alternate.

(d) Duties

The Authority shall—

(1) develop, on a continuing basis, comprehensive and coordinated plans and programs for multistate cooperation to advance the economic and social well-being of the region and to approve grants for the economic development of the region, giving due consideration to other Federal, State, tribal, and local planning and development activities in the region;

(2) not later than 220 days after May 13, 2002, establish priorities in a development plan for the region (including 5-year regional outcome targets);

(3) assess the needs and assets of the region based on available research, demonstrations, investigations, assessments, and evaluations of the region prepared by Federal, State, tribal, and local agencies, universities, regional and local development districts or organizations, regional boards established under subchapter IX, and other nonprofit groups;

(4) formulate and recommend to the Governors and legislatures of States that participate in the Authority forms of interstate cooperation for—

- (i) renewable energy development and transmission;
- (ii) transportation planning and economic development;
- (iii) information technology;
- (iv) movement of freight and individuals within the region;
- (v) federally-funded research at institutions of higher education; and
- (vi) conservation land management;

(5) work with State, tribal, and local agencies in developing appropriate model legislation;

(6) enhance the capacity of, and provide support for, multistate development and research organizations, local development organizations and districts, and resource conservation districts in the region;

(7) encourage private investment in industrial, commercial, renewable energy, and other economic development projects in the region; and

(8) cooperate with and assist State governments with economic development programs of participating States.

(e) Administration

In carrying out subsection (d), the Authority may—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Authority as the Authority considers appropriate;

(2) authorize, through the Federal, State, or tribal cochairperson or any other member of the Authority designated by the Authority, the administration of oaths if the Authority determines that testimony should be taken or evidence received under oath;

(3) request from any Federal, State, tribal, or local agency such information as may be available to or procurable by the agency that may be of use to the Authority in carrying out the duties of the Authority;

(4) adopt, amend, and repeal bylaws and rules governing the conduct of business and the performance of duties of the Authority;

(5) request the head of any Federal agency to detail to the Authority such personnel as the Authority requires to carry out duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

(6) request the head of any State agency, tribal government, or local government to detail to the Authority such personnel as the Authority requires to carry out duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

(7) provide for coverage of Authority employees in a suitable retirement and employee benefit system by—

(A) making arrangements or entering into contracts with any participating State government or tribal government; or

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

(8) accept, use, and dispose of gifts or donations of services or real, personal, tangible, or intangible property;

(9) enter into and perform such contracts, leases, cooperative agreements, or other transactions as are necessary to carry out Authority duties, including any contracts, leases, or cooperative agreements with—

(A) any department, agency, or instrumentality of the United States;

(B) any State (including a political subdivision, agency, or instrumentality of the State);

(C) any Indian tribe in the region; or

(D) any person, firm, association, or corporation; and

(10) establish and maintain a central office and field offices at such locations as the Authority may select.

(f) Federal agency cooperation

A Federal agency shall—

- (1) cooperate with the Authority; and
- (2) provide, on request of a cochairperson, appropriate assistance in carrying out this subchapter, in accordance with applicable Federal laws (including regulations).

(g) Administrative expenses

(1) Federal share

The Federal share of the administrative expenses of the Authority shall be—

- (A) for each of fiscal years 2008 and 2009, 100 percent;
- (B) for fiscal year 2010, 75 percent; and
- (C) for fiscal year 2011 and each fiscal year thereafter, 50 percent.

(2) Non-Federal share

(A) In general

The non-Federal share of the administrative expenses of the Authority shall be paid by non-Federal sources in the States that participate in the Authority.

(B) Share paid by each State

The share of administrative expenses of the Authority to be paid by non-Federal sources in each State shall be determined by the Authority.

(C) No Federal participation

The Federal cochairperson shall not participate or vote in any decision under subparagraph (B).

(D) Delinquent States

If a State is delinquent in payment of the State's share of administrative expenses of the Authority under this subsection—

- (i) no assistance under this subchapter shall be provided to the State (including assistance to a political subdivision or a resident of the State); and
- (ii) no member of the Authority from the State shall participate or vote in any action by the Authority.

(h) Compensation

(1) Federal and tribal cochairpersons

The Federal cochairperson and the tribal cochairperson shall be compensated by the Federal Government at the annual rate of basic pay prescribed for level III of the Executive Schedule in subchapter II of chapter 53 of title 5.

(2) Alternate Federal and tribal cochairpersons

The alternate Federal cochairperson and the alternate tribal cochairperson—

- (A) shall be compensated by the Federal Government at the annual rate of basic pay prescribed for level V of the Executive Schedule described in paragraph (1); and
- (B) when not actively serving as an alternate, shall perform such functions and duties as are delegated by the Federal cochairperson or the tribal cochairperson, respectively.

(3) State members and alternates

(A) In general

A State shall compensate each member and alternate representing the State on the

Authority at the rate established by State law.

(B) No additional compensation

No State member or alternate member shall receive any salary, or any contribution to or supplementation of salary from any source other than the State for services provided by the member or alternate member to the Authority.

(4) Detailed employees

(A) In general

No person detailed to serve the Authority under subsection (e)(6) shall receive any salary or any contribution to or supplementation of salary for services provided to the Authority from—

- (i) any source other than the State, tribal, local, or intergovernmental agency from which the person was detailed; or
- (ii) the Authority.

(B) Violation

Any person that violates this paragraph shall be fined not more than \$5,000, imprisoned not more than 1 year, or both.

(C) Applicable law

The Federal cochairperson, the alternate Federal cochairperson, and any Federal officer or employee detailed to duty on the Authority under subsection (e)(5) shall not be subject to subparagraph (A), but shall remain subject to sections 202 through 209 of title 18.

(5) Additional personnel

(A) Compensation

(i) In general

The Authority may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Authority to carry out the duties of the Authority.

(ii) Exception

Compensation under clause (i) shall not exceed the maximum rate for the Senior Executive Service under section 5382 of title 5, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

(B) Executive director

The executive director shall be responsible for—

- (i) the carrying out of the administrative duties of the Authority;
- (ii) direction of the Authority staff; and
- (iii) such other duties as the Authority may assign.

(C) No Federal employee status

No member, alternate, officer, or employee of the Authority (except the Federal cochairperson of the Authority, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to the Authority under subsection (e)(5)) shall be considered to be a Federal employee for any purpose.

(i) Conflicts of interest**(1) In general**

Except as provided under paragraph (2), no State member, Indian tribe member, State alternate, officer, or employee of the Authority shall participate personally and substantially as a member, alternate, officer, or employee of the Authority, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other matter in which, to knowledge of the member, alternate, officer, or employee—

(A) the member, alternate, officer, or employee;

(B) the spouse, minor child, partner, or organization (other than a State or political subdivision of the State or the Indian tribe) of the member, alternate, officer, or employee, in which the member, alternate, officer, or employee is serving as officer, director, trustee, partner, or employee; or

(C) any person or organization with whom the member, alternate, officer, or employee is negotiating or has any arrangement concerning prospective employment;

has a financial interest.

(2) Disclosure

Paragraph (1) shall not apply if the State member, Indian tribe member, alternate, officer, or employee—

(A) immediately advises the Authority of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter presenting a potential conflict of interest;

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

(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Authority that the interest is not so substantial as to be likely to affect the integrity of the services that the Authority may expect from the State member, Indian tribe member, alternate, officer, or employee.

(3) Violation

Any person that violates this subsection shall be fined not more than \$10,000, imprisoned not more than 2 years, or both.

(j) Validity of contracts, loans, and grants

The Authority may declare void any contract, loan, or grant of or by the Authority in relation to which the Authority determines that there has been a violation of any provision under subsection (h)(4) or subsection (i) of this subtitle¹, or sections 202 through 209 of title 18.

(Pub. L. 87-128, title III, § 383B, as added Pub. L. 107-171, title VI, § 6028, May 13, 2002, 116 Stat. 375; amended Pub. L. 110-234, title VI, § 6026(b), (c)(2)(A), May 22, 2008, 122 Stat. 1177, 1179; Pub. L. 110-246, § 4(a), title VI, § 6026(b), (c)(2)(A), June 18, 2008, 122 Stat. 1664, 1939, 1940.)

¹ So in original. Probably should be “section”.

REFERENCES IN TEXT

The date of enactment of this paragraph, referred to in subsec. (a)(4)(A), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (a)(4). Pub. L. 110-246, § 6026(b)(1), added par. (4).

Subsec. (c)(3)(B). Pub. L. 110-246, § 6026(c)(2)(A), made technical amendment to reference in original act which appears in text as reference to section 2009bb-8 of this title.

Subsec. (d)(1). Pub. L. 110-246, § 6026(b)(2)(A), substituted “programs for multistate cooperation to advance the economic and social well-being of the region and to” for “programs to establish priorities and”.

Subsec. (d)(3). Pub. L. 110-246, § 6026(b)(2)(B), substituted “regional and local development districts or organizations, regional boards established under subchapter IX,” for “local development districts.”

Subsec. (d)(4). Pub. L. 110-246, § 6026(b)(2)(C), substituted “cooperation for—” for “cooperation;” in introductory provisions and added cls. (i) to (vi).

Subsec. (d)(6). Pub. L. 110-246, § 6026(b)(2)(D), added par. (6) and struck out former par. (6) which read as follows:

“(A) enhance the capacity of, and provide support for, local development districts in the region; or

“(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;”

Subsec. (d)(7). Pub. L. 110-246, § 6026(b)(2)(E), inserted “renewable energy,” after “commercial.”

Subsec. (f)(2). Pub. L. 110-246, § 6026(b)(3), substituted “a cochairperson” for “the Federal cochairperson”.

Subsec. (g)(1). Pub. L. 110-246, § 6026(b)(4), added subpars. (A) to (C) and struck out former subpars. (A) to (C) which read as follows:

“(A) for fiscal year 2002, 100 percent;

“(B) for fiscal year 2003, 75 percent; and

“(C) for fiscal year 2004 and each fiscal year thereafter, 50 percent.”

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

§ 2009bb-1a. Interstate cooperation for economic opportunity and efficiency**(a) In general**

The Authority shall provide assistance to States in developing regional plans to address multistate economic issues, including plans—

(1) to develop a regional transmission system for movement of renewable energy to markets outside the region;

(2) to address regional transportation concerns, including the establishment of a Northern Great Plains Regional Transportation Working Group;

(3) to encourage and support interstate collaboration on federally-funded research that is in the national interest; and

(4) to establish a Regional Working Group on Agriculture Development and Transportation.

(b) Economic issues

The multistate economic issues referred to in subsection (a) shall include—