

111TH CONGRESS  
1ST SESSION

# H. R. 2133

To amend the Act of August 21, 1957, to allocate funds from certain electric power sales from the Niagara Power Project in New York to capital needs of Western New York, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2009

Mr. HIGGINS (for himself, Mr. LEE of New York, Mr. MASSA, Mrs. MALONEY, and Mr. ISRAEL) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Act of August 21, 1957, to allocate funds from certain electric power sales from the Niagara Power Project in New York to capital needs of Western New York, 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. NIAGARA POWER PROJECT.**

4 (a) WESTERN NEW YORK REGIONAL DEVELOPMENT  
5 CORPORATION.—The Act of August 21, 1957, authorizing  
6 the construction of the Niagara Power Project (16 U.S.C.  
7 836 and following) is amended by adding the following  
8 new sections at the end thereof:

1 **“SEC. 3 REGIONAL DEVELOPMENT CORPORATION.**

2       “(a) ESTABLISHMENT OF CORPORATION AP-  
3 PROVED.—Niagara County, Erie County, and Chautauqua  
4 County, New York, are authorized to establish a Regional  
5 Development Corporation to operate in accordance with  
6 this section and in accordance with such other rules and  
7 regulations as may be established, consistent with this sec-  
8 tion, by agreement of such counties. Any such agreement  
9 shall be submitted to the Federal Energy Regulatory Com-  
10 mission. The Commission is authorized to approve such  
11 agreement unless the Commission find the agreement in-  
12 consistent with this section or other applicable provisions  
13 of law.

14       “(b) GOVERNANCE.—The Regional Development  
15 Corporation shall be governed by a Board of Directors,  
16 to be comprised of 7 members, appointed as follows:

17               “(1) One individual appointed by the Chair-  
18 person of the County Legislature in Niagara County,  
19 New York.

20               “(2) One individual appointed by the County  
21 Executive of Erie County, New York.

22               “(3) One individual appointed by the County  
23 Executive of Chautauqua County, New York.

24               “(4) One individual appointed by the Mayor of  
25 Buffalo, New York.

1           “(5) One individual appointed by the Mayor of  
2           Niagara Falls, New York.

3           “(6) One individual appointed by the Buffalo  
4           Niagara Partnership or its successor agency.

5           “(7) One individual appointed by the Governor  
6           of the State of New York.

7           “(c) STAFF AND SUPPORT.—The Board of Directors  
8           shall appoint such staff and provide such support for the  
9           Corporation as the Board deems necessary.

10          “(d) MEETINGS, BOOKS, AND RECORDS.—The meet-  
11          ings of the Board shall be open to the public, and all books  
12          and records of the Corporation shall be available to the  
13          public during normal business hours. The Board shall  
14          make public as promptly as possible the minutes of all  
15          meetings held by the Board. The Comptroller General of  
16          the United States shall annually review all operations of  
17          the Corporation and submit a report to the Congress re-  
18          garding all financial and other operations of the Corpora-  
19          tion.

20          “(e) ELIGIBLE EXPENDITURES.—Funds made avail-  
21          able to the Corporation under this section may be used  
22          only for construction, engineering, architecture, and re-  
23          lated projects for the development of the waterfront in Ni-  
24          agara County, Chautauqua County, and Erie County, New  
25          York, the Erie Canal Harbor Development Corporation,

1 the Olmsted Park system, regional cultural institutions in  
2 Niagara County, Chautauqua County, and Erie County,  
3 New York, downtown Niagara Falls redevelopment initia-  
4 tives, and the Buffalo Niagara Medical campus.

5       “(f) ALLOCATION OF FUNDS.—Funds made available  
6 under this section shall be allocated among Erie, Chau-  
7 tauqua, and Niagara County projects in proportion to the  
8 existing ratio for the allocation of replacement and expan-  
9 sion power between facilities in the three counties.

10       “(g) FUNDING.—All proceeds from the sale of electric  
11 power generated by the Niagara Power Project and allo-  
12 cated to the replacement power program and the expan-  
13 sion power program, but not used by the designated recipi-  
14 ents, shall be transferred by the New York Power Author-  
15 ity to the Regional Development Corporation established  
16 under this section.”.

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