

118TH CONGRESS
1ST SESSION

S. 292

To amend title 40, United States Code, to modify certain requirements for Regional Commissions, to reauthorize the Northern Border Regional Commission, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2023

Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. SCHUMER, Mr. KING, Mrs. GILLIBRAND, Mr. WELCH, Ms. HASSAN, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 40, United States Code, to modify certain requirements for Regional Commissions, to reauthorize the Northern Border Regional Commission, 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 “Northern Border Re-
5 gional Commission Reauthorization Act of 2023”.

1 **SEC. 2. REGIONAL COMMISSIONS MODIFICATIONS.**

2 (a) **MEMBERSHIP OF COMMISSIONS.**—Section 15301
3 of title 40, United States Code, is amended—

4 (1) in subsection (b)(2)(C)—

5 (A) by striking “An alternate member”
6 and inserting the following:

7 “(i) **IN GENERAL.**—An alternate
8 member”; and

9 (B) by adding at the end the following:

10 “(ii) **STATE ALTERNATES.**—If the al-
11 ternate State member is unable to vote in
12 accordance with clause (i), the alternate
13 State member may delegate voting author-
14 ity to a designee, subject to the condition
15 that the executive director shall be notified,
16 in writing, of the designation not less than
17 1 week before the applicable vote is to take
18 place.”; and

19 (2) in subsection (f), by striking “a Federal em-
20 ployee” and inserting “an employee”.

21 (b) **DECISIONS OF COMMISSIONS.**—Section 15302 of
22 title 40, United States Code, is amended—

23 (1) in subsection (a), by inserting “or State al-
24 ternate members, including designees” after “State
25 members”; and

1 (2) by striking subsection (c) and inserting the
2 following:

3 “(c) QUORUMS.—

4 “(1) IN GENERAL.—Subject to paragraph (2), a
5 Commission shall determine what constitutes a
6 quorum for meetings of the Commission.

7 “(2) REQUIREMENTS.—Any quorum for meet-
8 ings of a Commission shall include—

9 “(A) the Federal Cochairperson or the al-
10 ternate Federal Cochairperson; and

11 “(B) a majority of State members or alter-
12 nate State members, including designees (exclu-
13 sive of members representing States delinquent
14 under section 15304(c)(3)(C)).”.

15 (c) ADMINISTRATIVE POWERS AND EXPENSES OF
16 COMMISSIONS.—Section 15304(a)(9) of title 40, United
17 States Code, is amended by striking “maintain a govern-
18 ment relations office in the District of Columbia and”.

19 (d) MEETINGS OF COMMISSIONS.—Section 15305(b)
20 of title 40, United States Code, is amended by striking
21 “with the Federal Cochairperson” and all that follows
22 through the period at the end and inserting the following:
23 “with—

24 “(1) the Federal Cochairperson; and

1 “(2) at least a majority of the State members
2 or alternate State members (including designees)
3 present in-person or via electronic means.”.

4 **SEC. 3. TRANSFER OF FUNDS FROM OTHER FEDERAL**
5 **AGENCIES.**

6 (a) IN GENERAL.—Chapter 153 of subtitle V of title
7 40, United States Code, is amended—

8 (1) by redesignating section 15308 as section
9 15309; and

10 (2) by inserting after section 15307 the fol-
11 lowing:

12 **“§ 15308. Transfer of funds from other Federal agen-**
13 **cies**

14 “(a) IN GENERAL.—Subject to subsection (c), for
15 purposes of this subtitle, each Commission may accept
16 transfers of funds from other Federal agencies.

17 “(b) TRANSFERS.—Any Federal agency authorized to
18 carry out an activity that is within the authority of a Com-
19 mission may transfer to the Commission any appropriated
20 funds for the activity.

21 “(c) TREATMENT.—Any funds transferred to a Com-
22 mission under this section—

23 “(1) shall remain available until expended; and

24 “(2) may, to the extent necessary to carry out
25 this subtitle, be transferred to, and merged with, the

1 amounts made available by appropriations Acts for
2 the Commission by the Federal Cochairperson.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 153 of subtitle V of title 40, United States Code, is
5 amended by striking the item relating to section 15308
6 and inserting the following:

“15308. Transfer of funds from other Federal agencies.
“15309. Annual reports.”.

7 **SEC. 4. ECONOMIC AND INFRASTRUCTURE DEVELOPMENT**
8 **GRANTS.**

9 Section 15501 of title 40, United States Code, is
10 amended—

11 (1) in subsection (a)—

12 (A) by redesignating paragraphs (4)
13 through (9) as paragraphs (6) through (11), re-
14 spectively; and

15 (B) by inserting after paragraph (3) the
16 following:

17 “(4) to design, build, implement, or upgrade
18 transportation or basic public infrastructure or
19 workforce capacity to support the adaption to and
20 mitigation of climate challenges;

21 “(5) to promote the production of housing to
22 meet economic development and workforce needs;”;
23 and

1 (2) in subsection (b), by striking “paragraph
2 (1), (2), (3), or (7)” and inserting “paragraph (1),
3 (2), (3), (4), (5), (7), or (9)”.

4 **SEC. 5. FINANCIAL ASSISTANCE.**

5 (a) IN GENERAL.—Chapter 155 of subtitle V of title
6 40, United States Code, is amended by adding at the end
7 the following:

8 **“§ 15507. Discretionary grants**

9 “(a) GRANTS TO WHICH PERCENTAGE LIMITATION
10 DOESN’T APPLY.—Discretionary grants made by a Com-
11 mission to implement significant regional initiatives, to
12 take advantage of special development opportunities, or to
13 respond to emergency economic distress in the region of
14 the Commission may be made without regard to the per-
15 centage limitations described in section 15501(d).

16 “(b) LIMITATION ON AGGREGATE AMOUNT.—For
17 each fiscal year, the aggregate amount of discretionary
18 grants referred to in subsection (a) shall not be more than
19 10 percent of the amount made available to carry out this
20 subtitle for the fiscal year.

21 **“§ 15508. Payment of non-Federal share for certain**

22 **Federal grant programs**

23 “Notwithstanding any other provision of law relating
24 to payment of a non-Federal share of a project carried
25 out under a Federal grant program, amounts made avail-

1 able to carry out this subtitle shall be available for the
 2 payment of such a non-Federal share for any project for
 3 which a Commission is not the sole or primary funding
 4 source, subject to the condition that the project is con-
 5 sistent with the purposes of the Commission.”.

6 (b) CLERICAL AMENDMENT.—The analysis for chap-
 7 ter 155 of subtitle V of title 40, United States Code, is
 8 amended by adding at the end the following:

“15507. Discretionary grants.

“15508. Payment of non-Federal share for certain Federal grant programs.”.

9 **SEC. 6. NORTHERN BORDER REGIONAL COMMISSION.**

10 (a) COUNTIES IN MAINE AND NEW HAMPSHIRE.—
 11 Section 15733 of title 40, United States Code, is amend-
 12 ed—

13 (1) in paragraph (1), by inserting “Lincoln,”
 14 after “Knox,”; and

15 (2) in paragraph (2), by inserting
 16 “Merrimack,” after “Grafton,”.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 18 15751 of title 40, United States Code, is amended by
 19 striking subsection (a) and inserting the following:

20 “(a) IN GENERAL.—There are authorized to be ap-
 21 propriated to each Commission to carry out this subtitle—

22 “(1) \$50,000,000 for each of fiscal years 2023
 23 through 2027; and

1 “(2) \$60,000,000 for each of fiscal years 2028
2 through 2032.”.

3 **SEC. 7. NORTHERN FOREST REGION PROGRAMS.**

4 (a) IN GENERAL.—Subtitle V of title 40, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“CHAPTER 159—NORTHERN FOREST**
8 **REGION PROGRAMS**

9 **“§ 15901. Definitions**

10 “In this chapter:

11 “(1) NBRC.—The term ‘NBRC’ means the
12 Northern Border Regional Commission established
13 by section 15301(a)(3).

14 “(2) NORTHERN FOREST REGION.—The term
15 ‘Northern Forest region’ means the counties in-
16 cluded in the NBRC under section 15733.

17 **“§ 15902. State capacity building grant program**

18 “(a) DEFINITIONS.—In this section:

19 “(1) COMMISSION STATE.—The term ‘Commis-
20 sion State’ means each of the States of Maine, New
21 Hampshire, New York, and Vermont.

22 “(2) ELIGIBLE COUNTY.—The term ‘eligible
23 county’ means a county described in section 15733.

1 “(3) PROGRAM.—The term ‘program’ means
2 the State capacity building grant program estab-
3 lished under subsection (b).

4 “(b) ESTABLISHMENT.—The NBRC shall establish a
5 State capacity building grant program to provide grants
6 to Commission States to carry out the purpose under sub-
7 section (c).

8 “(c) PURPOSE.—The purpose of the program is to
9 support the efforts of the NBRC—

10 “(1) to better support business retention and
11 expansion in eligible counties;

12 “(2) to create programs to encourage job cre-
13 ation and workforce development in eligible counties;

14 “(3) to prepare economic and infrastructure
15 plans for eligible counties;

16 “(4) to expand access to high-speed broadband
17 in eligible counties;

18 “(5) to provide technical assistance that results
19 in NBRC investments in transportation, water,
20 wastewater, and other critical infrastructure;

21 “(6) to create initiatives to increase the effec-
22 tiveness of local development districts in eligible
23 counties; and

24 “(7) to implement new or innovative economic
25 development practices that will better position the el-

1 eligible counties of Commission States to compete in
2 the global economy.

3 “(d) USE OF FUNDS.—

4 “(1) IN GENERAL.—Funds from a grant under
5 the program may be used to support a project, pro-
6 gram, or related expense of the Commission State in
7 an eligible county.

8 “(2) LIMITATION.—Funds from a grant under
9 the program shall not be used for—

10 “(A) the purchase of furniture, fixtures, or
11 equipment;

12 “(B) the compensation of—

13 “(i) any State member of the Com-
14 mission (as described in section
15 15301(b)(1)(B)); or

16 “(ii) any State alternate member of
17 the Commission (as described in section
18 15301(b)(2)(B)); or

19 “(C) the cost of supplanting existing State
20 programs.

21 “(e) ANNUAL WORK PLAN.—

22 “(1) IN GENERAL.—For each fiscal year, before
23 providing a grant under the program, each Commis-
24 sion State shall provide to the NBRC an annual

1 work plan that includes the proposed use of the
2 grant.

3 “(2) APPROVAL.—No grant under the program
4 shall be provided to a Commission State unless the
5 NBRC has approved the annual work plan of the
6 State.

7 “(f) AMOUNT OF GRANT.—

8 “(1) IN GENERAL.—The amount of a grant
9 provided to a Commission State under the program
10 for a fiscal year shall be based on the proportion
11 that—

12 “(A) the amount paid by the Commission
13 State (including any amounts paid on behalf of
14 the Commission State by a nonprofit organiza-
15 tion) for administrative expenses for the appli-
16 cable fiscal year (as determined under section
17 15304(c)); bears to

18 “(B) the amount paid by all Commission
19 States (including any amounts paid on behalf of
20 a Commission State by a nonprofit organiza-
21 tion) for administrative expenses for that fiscal
22 year (as determined under that section).

23 “(2) REQUIREMENT.—To be eligible to receive
24 a grant under the program for a fiscal year, a Com-
25 mission State (or a nonprofit organization on behalf

1 of the Commission State) shall pay the amount of
2 administrative expenses of the Commission State for
3 the applicable fiscal year (as determined under sec-
4 tion 15304(c)).

5 “(3) APPROVAL.—For each fiscal year, a grant
6 provided under the program shall be approved and
7 made available as part of the approval of the annual
8 budget of the NBRC.

9 “(g) GRANT AVAILABILITY.—Funds from a grant
10 under the program shall be available only during the fiscal
11 year for which the grant is provided.

12 “(h) REPORT.—Each fiscal year, each Commission
13 State shall submit to the NBRC and make publicly avail-
14 able a report that describes the use of the grant funds
15 and the impact of the program in the Commission State.

16 “(i) CONTINUATION OF PROGRAM.—The program
17 under this section shall be a continuation of the program
18 under section 6304(c) of the Agriculture Improvement Act
19 of 2018 (40 U.S.C. 15501 note; Public Law 115–334) (as
20 in effect on the day before the date of enactment of this
21 section).

22 “(j) FUNDING.—

23 “(1) IN GENERAL.—There is authorized to be
24 appropriated to carry out this section \$5,000,000 for
25 each of fiscal years 2023 through 2032.

1 “(2) SUPPLEMENT, NOT SUPPLANT.—Funds
2 made available to carry out this section shall supple-
3 ment and not supplant funds made available for the
4 NBRC and other activities of the NBRC.

5 **“§ 15903. Demonstration health projects**

6 “(a) PURPOSE.—To demonstrate the value of ade-
7 quate health facilities and services to the economic devel-
8 opment of the Northern Forest region, the NBRC may
9 make grants for the planning, construction, equipment,
10 and operation of demonstration health, nutrition, and
11 child care projects, including hospitals, regional health di-
12 agnostic and treatment centers, and other facilities and
13 services necessary for the purposes of this section.

14 “(b) PLANNING GRANTS.—

15 “(1) AUTHORITY TO PROVIDE AMOUNTS AND
16 MAKE GRANTS.—The NBRC may make grants for
17 expenses of planning necessary for the development
18 and operation of demonstration health projects for
19 the Northern Forest region.

20 “(2) MAXIMUM NBRC CONTRIBUTIONS.—The
21 maximum NBRC contributions for a grant for the
22 construction or equipment of any component of a
23 demonstration health project shall be made in ac-
24 cordance with section 15501(d).

1 “(3) SOURCES OF ASSISTANCE.—The NBRC
2 contribution may be provided entirely from amounts
3 authorized under this section or in combination with
4 amounts provided under other Federal grant pro-
5 grams.

6 “(4) FEDERAL SHARE.—Notwithstanding any
7 provision of law limiting the Federal share in other
8 Federal grant programs described in paragraph (3),
9 amounts appropriated to carry out this section may
10 be used to increase the Federal share to the max-
11 imum percentage cost of a grant authorized by para-
12 graph (2).

13 “(c) CONSTRUCTION AND EQUIPMENT GRANTS.—

14 “(1) ADDITIONAL USES FOR CONSTRUCTION
15 GRANTS.—Grants under this section for construction
16 may also be used for—

17 “(A) the acquisition of privately owned fa-
18 cilities—

19 “(i) not operated for profit; or

20 “(ii) previously operated for profit if
21 the NBRC finds that health services would
22 not otherwise be provided in the area
23 served by the facility if the acquisition is
24 not made; and

25 “(B) initial equipment.

1 “(2) STANDARDS FOR MAKING GRANTS.—
2 Grants under this section for construction shall be
3 made in accordance with section 15501 and shall not
4 be incompatible with the applicable provisions of title
5 VI of the Public Health Service Act (42 U.S.C. 291
6 et seq.), the Developmental Disabilities Assistance
7 and Bill of Rights Act of 2000 (42 U.S.C. 15001 et
8 seq.), and other laws authorizing grants for the con-
9 struction of health-related facilities, without regard
10 to any provisions in those laws relating to appropria-
11 tion authorization ceilings or to allotments among
12 the States.

13 “(3) MAXIMUM NBRC CONTRIBUTIONS.—The
14 maximum NBRC contributions for a grant for the
15 construction or equipment of any component of a
16 demonstration health project shall be made in ac-
17 cordance with section 15501(d).

18 “(4) SOURCES OF ASSISTANCE.—The NBRC
19 contribution may be provided entirely from amounts
20 authorized under this section or in combination with
21 amounts provided under other Federal grant pro-
22 grams for the construction or equipment of health-
23 related facilities.

24 “(5) FEDERAL SHARE.—Notwithstanding any
25 provision of law limiting the Federal share in other

1 Federal grant programs described in paragraph (4),
2 amounts authorized under this section may be used
3 to increase Federal grants for component facilities of
4 a demonstration health project to a maximum of 80
5 percent of the cost of the facilities.

6 “(d) OPERATION GRANTS.—

7 “(1) STANDARDS FOR MAKING GRANTS.—A
8 grant for the operation of a demonstration health
9 project shall not be made unless the facility is pub-
10 licly owned, or owned by a public or private non-
11 profit organization, and is not operated for profit.

12 “(2) MAXIMUM NBRC CONTRIBUTIONS.—Grants
13 under this section for the operation (including initial
14 operating amounts and operating deficits, including
15 the cost of attracting, training, and retaining quali-
16 fied personnel) of a demonstration health project,
17 whether or not constructed with amounts authorized
18 to be appropriated by this section, shall be made in
19 accordance with section 15501(d).

20 “(3) SOURCES OF ASSISTANCE.—The NBRC
21 contribution may be provided entirely from amounts
22 appropriated to carry out this section or in combina-
23 tion with amounts provided under other Federal
24 grant programs for the operation of health related
25 facilities and the provision of health and child devel-

1 opment services, including parts A and B of title IV
2 and title XX of the Social Security Act (42 U.S.C.
3 601 et seq., 620 et seq., 1397 et seq.).

4 “(4) FEDERAL SHARE.—Notwithstanding any
5 provision of law limiting the Federal share in those
6 other programs, amounts appropriated to carry out
7 this section may be used to increase Federal grants
8 for operating components of a demonstration health
9 project to the maximum percentage cost of a grant
10 authorized by this subsection.

11 “(5) STATE DEEMED TO MEET REQUIREMENT
12 OF PROVIDING ASSISTANCE OR SERVICES ON STATE-
13 WIDE BASIS.—Notwithstanding any provision of the
14 Social Security Act (42 U.S.C. 301 et seq.) requir-
15 ing assistance or services on a statewide basis, a
16 State providing assistance or services under a Fed-
17 eral grant program described in paragraph (3) in
18 any area of the region approved by the NBRC is
19 deemed to be meeting that requirement.

20 “(e) EMPHASIS ON PROGRAMS TO ADDRESS SUB-
21 STANCE USE DISORDERS.—To provide for the further de-
22 velopment of the human resources of the Northern Forest
23 region, grants under this section shall give special empha-
24 sis to projects and activities to address substance use dis-
25 orders, including opioid and methamphetamine use, in the

1 Northern Forest region, including projects and activi-
2 ties—

3 “(1) to increase access to and disseminate in-
4 formation on the availability of substance use dis-
5 order treatment programs;

6 “(2) to strengthen the substance use disorder
7 workforce operating in the Northern Forest region,
8 including programs to attract and retain relevant
9 health care services, businesses, and staff;

10 “(3) to facilitate the sharing of best practices
11 among States, counties, and other experts in the
12 Northern Forest region with respect to reducing
13 substance use disorders;

14 “(4) to initiate or expand programs designed to
15 eliminate or reduce the harm to the workforce and
16 economic growth of the region that results from that
17 abuse; and

18 “(5) to develop relevant infrastructure, includ-
19 ing broadband infrastructure that supports the use
20 of telemedicine.”.

21 (b) REPEAL.—Section 6304(c) of the Agriculture Im-
22 provement Act of 2018 (40 U.S.C. 15501 note; Public
23 Law 115–334) is repealed.

24 (c) CLERICAL AMENDMENT.—The table of sections
25 for subtitle V of title 40, United States Code, is amended

- 1 by inserting after the item relating to chapter 157 the fol-
- 2 lowing:

“CHAPTER 159—NORTHERN FOREST REGION PROGRAMS

“15901. Definitions.

“15902. State capacity building grant program.

“15903. Demonstration health projects.”.

