

117TH CONGRESS
2D SESSION

S. 3698

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 17, 2022

Mrs. SHAHEEN (for herself, Mr. LEAHY, Ms. COLLINS, Mrs. GILLIBRAND, Mr. SANDERS, Mr. KING, Ms. HASSAN, and Mr. SCHUMER) 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 2022”.

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. ECONOMIC AND INFRASTRUCTURE DEVELOPMENT**
 5 **GRANTS.**

6 Section 15501 of title 40, United States Code, is
 7 amended—

8 (1) in subsection (a)—

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

12 (B) by inserting after paragraph (3) the
 13 following:

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

18 “(5) to promote the production of housing to
 19 meet economic development and workforce needs;”;
 20 and

21 (2) in subsection (b), by striking “paragraph
 22 (1), (2), (3), or (7)” and inserting “paragraph (1),
 23 (2), (3), (4), or (9)”.

1 **SEC. 4. NORTHERN BORDER REGIONAL COMMISSION.**

2 (a) COUNTIES IN MAINE AND NEW HAMPSHIRE.—

3 Section 15733 of title 40, United States Code, is amend-
4 ed—

5 (1) in paragraph (1), by inserting “Lincoln,”
6 after “Knox,”; and

7 (2) in paragraph (2), by inserting
8 “Merrimack,” after “Grafton,”.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
10 15751 of title 40, United States Code, is amended by
11 striking subsection (a) and inserting the following:

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

14 “(1) \$50,000,000 for each of fiscal years 2022
15 through 2026; and

16 “(2) \$60,000,000 for each of fiscal years 2027
17 through 2031.”.

18 **SEC. 5. NORTHERN FOREST REGION PROGRAMS.**

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

22 **“CHAPTER 159—NORTHERN FOREST**
23 **REGION PROGRAMS**

24 **“§ 15901. Definitions**

25 “In this chapter:

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

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

7 **“§ 15902. State capacity building grant program**

8 “(a) DEFINITIONS.—In this section:

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

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

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

17 “(b) ESTABLISHMENT.—The NBRC shall establish a
 18 State capacity building grant program to provide grants
 19 to Commission States to carry out the purpose under sub-
 20 section (c).

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

23 “(1) to better support business retention and
 24 expansion in eligible counties;

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

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

5 “(4) to expand access to high-speed broadband
6 in eligible counties;

7 “(5) to provide technical assistance that results
8 in NBRC investments in transportation, water,
9 wastewater, and other critical infrastructure;

10 “(6) to create initiatives to increase the effec-
11 tiveness of local development districts in eligible
12 counties; and

13 “(7) to implement new or innovative economic
14 development practices that will better position the el-
15 igible counties of Commission States to compete in
16 the global economy.

17 “(d) USE OF FUNDS.—

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

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

24 “(A) the purchase of furniture, fixtures, or
25 equipment;

1 “(B) the compensation of—

2 “(i) any State member of the Com-
3 mission (as described in section
4 15301(b)(1)(B)); or

5 “(ii) any State alternate member of
6 the Commission (as described in section
7 15301(b)(2)(B)); or

8 “(C) the cost of supplanting existing State
9 programs.

10 “(e) ANNUAL WORK PLAN.—

11 “(1) IN GENERAL.—For each fiscal year, before
12 providing a grant under the program, each Commis-
13 sion State shall provide to the NBRC an annual
14 work plan that includes the proposed use of the
15 grant.

16 “(2) APPROVAL.—No grant under the program
17 shall be provided to a Commission State unless the
18 NBRC has approved the annual work plan of the
19 State.

20 “(f) AMOUNT OF GRANT.—

21 “(1) IN GENERAL.—The amount of a grant
22 provided to a Commission State under the program
23 for a fiscal year shall be based on the proportion
24 that—

1 “(A) the amount paid by the Commission
2 State (including any amounts paid on behalf of
3 the Commission State by a nonprofit organiza-
4 tion) for administrative expenses for the appli-
5 cable fiscal year (as determined under section
6 15304(c)); bears to

7 “(B) the amount paid by all Commission
8 States (including any amounts paid on behalf of
9 a Commission State by a nonprofit organiza-
10 tion) for administrative expenses for that fiscal
11 year (as determined under that section).

12 “(2) REQUIREMENT.—To be eligible to receive
13 a grant under the program for a fiscal year, a Com-
14 mission State (or a nonprofit organization on behalf
15 of the Commission State) shall pay the amount of
16 administrative expenses of the Commission State for
17 the applicable fiscal year (as determined under sec-
18 tion 15304(c)).

19 “(3) APPROVAL.—For each fiscal year, a grant
20 provided under the program shall be approved and
21 made available as part of the approval of the annual
22 budget of the NBRC.

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

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

5 “(i) CONTINUATION OF PROGRAM.—The program
 6 under this section shall be a continuation of the program
 7 under section 6304(c) of the Agriculture Improvement Act
 8 of 2018 (40 U.S.C. 15501 note; Public Law 115–334) (as
 9 in effect on the day before the date of enactment of this
 10 section).

11 “(j) FUNDING.—

12 “(1) IN GENERAL.—There is authorized to be
 13 appropriated to carry out this section \$5,000,000 for
 14 each of fiscal years 2019 through 2028.

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

19 **“§ 15903. Demonstration health projects**

20 “(a) PURPOSE.—To demonstrate the value of ade-
 21 quate health facilities and services to the economic devel-
 22 opment of the Northern Forest region, the NBRC may
 23 make grants for the planning, construction, equipment,
 24 and operation of demonstration health, nutrition, and
 25 child care projects, including hospitals, regional health di-

1 agnostic and treatment centers, and other facilities and
2 services necessary for the purposes of this section.

3 “(b) PLANNING GRANTS.—

4 “(1) AUTHORITY TO PROVIDE AMOUNTS AND
5 MAKE GRANTS.—The NBRC may make grants for
6 expenses of planning necessary for the development
7 and operation of demonstration health projects for
8 the Northern Forest region.

9 “(2) MAXIMUM NBRC CONTRIBUTIONS.—The
10 maximum NBRC contributions for a grant for the
11 construction or equipment of any component of a
12 demonstration health project shall be made in ac-
13 cordance with section 15501(d).

14 “(3) SOURCES OF ASSISTANCE.—The NBRC
15 contribution may be provided entirely from amounts
16 authorized under this section or in combination with
17 amounts provided under other Federal grant pro-
18 grams.

19 “(4) FEDERAL SHARE.—Notwithstanding any
20 provision of law limiting the Federal share in other
21 Federal grant programs described in paragraph (3),
22 amounts appropriated to carry out this section may
23 be used to increase the Federal share to the max-
24 imum percentage cost of a grant authorized by para-
25 graph (2).

1 “(c) CONSTRUCTION AND EQUIPMENT GRANTS.—

2 “(1) ADDITIONAL USES FOR CONSTRUCTION
3 GRANTS.—Grants under this section for construction
4 may also be used for—

5 “(A) the acquisition of privately owned fa-
6 cilities—

7 “(i) not operated for profit; or

8 “(ii) previously operated for profit if
9 the NBRC finds that health services would
10 not otherwise be provided in the area
11 served by the facility if the acquisition is
12 not made; and

13 “(B) initial equipment.

14 “(2) STANDARDS FOR MAKING GRANTS.—

15 Grants under this section for construction shall be
16 made in accordance with section 15501 and shall not
17 be incompatible with the applicable provisions of title
18 VI of the Public Health Service Act (42 U.S.C. 291
19 et seq.), the Developmental Disabilities Assistance
20 and Bill of Rights Act of 2000 (42 U.S.C. 15001 et
21 seq.), and other laws authorizing grants for the con-
22 struction of health-related facilities, without regard
23 to any provisions in those laws relating to appropria-
24 tion authorization ceilings or to allotments among
25 the States.

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

6 “(4) SOURCES OF ASSISTANCE.—The NBRC
7 contribution may be provided entirely from amounts
8 authorized under this section or in combination with
9 amounts provided under other Federal grant pro-
10 grams for the construction or equipment of health-
11 related facilities.

12 “(5) FEDERAL SHARE.—Notwithstanding any
13 provision of law limiting the Federal share in other
14 Federal grant programs described in paragraph (4),
15 amounts authorized under this section may be used
16 to increase Federal grants for component facilities of
17 a demonstration health project to a maximum of 80
18 percent of the cost of the facilities.

19 “(d) OPERATION GRANTS.—

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

1 “(2) MAXIMUM NBRC CONTRIBUTIONS.—Grants
2 under this section for the operation (including initial
3 operating amounts and operating deficits, including
4 the cost of attracting, training, and retaining quali-
5 fied personnel) of a demonstration health project,
6 whether or not constructed with amounts authorized
7 to be appropriated by this section, shall be made in
8 accordance with section 15501(d).

9 “(3) SOURCES OF ASSISTANCE.—The NBRC
10 contribution may be provided entirely from amounts
11 appropriated to carry out this section or in combina-
12 tion with amounts provided under other Federal
13 grant programs for the operation of health related
14 facilities and the provision of health and child devel-
15 opment services, including parts A and B of title IV
16 and title XX of the Social Security Act (42 U.S.C.
17 601 et seq., 620 et seq., 1397 et seq.).

18 “(4) FEDERAL SHARE.—Notwithstanding any
19 provision of law limiting the Federal share in those
20 other programs, amounts appropriated to carry out
21 this section may be used to increase Federal grants
22 for operating components of a demonstration health
23 project to the maximum percentage cost of a grant
24 authorized by this subsection.

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

10 “(e) EMPHASIS ON PROGRAMS TO ADDRESS SUB-
11 STANCE USE DISORDERS.—To provide for the further de-
12 velopment of the human resources of the Northern Forest
13 region, grants under this section shall give special empha-
14 sis to projects and activities to address substance use dis-
15 orders, including opioid and methamphetamine use, in the
16 Northern Forest region, including projects and activi-
17 ties—

18 “(1) to increase access to and disseminate in-
19 formation on the availability of substance use dis-
20 order treatment programs;

21 “(2) to strengthen the substance use disorder
22 workforce operating in the Northern Forest region,
23 including programs to attract and retain relevant
24 health care services, businesses, and staff;

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

5 “(4) to initiate or expand programs designed to
 6 eliminate or reduce the harm to the workforce and
 7 economic growth of the region that results from that
 8 abuse; and

9 “(5) to develop relevant infrastructure, includ-
 10 ing broadband infrastructure that supports the use
 11 of telemedicine.”.

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

15 (c) CLERICAL AMENDMENT.—The table of sections
 16 for subtitle V of title 40, United States Code, is amended
 17 by inserting after the item relating to chapter 157 the fol-
 18 lowing:

“CHAPTER 159—NORTHERN FOREST REGION PROGRAMS

“15901. Definitions.

“15902. State capacity building grant program.

“15903. Demonstration health projects.”.

