

Subsec. (b). Pub. L. 115-334, §6304(b)(2), substituted “paragraph (1), (2), (3), or (7)” for “paragraphs (1) through (3)”.

Subsec. (f). Pub. L. 115-334, §6304(b)(3), substituted “, except that financial assistance may be used as otherwise authorized by this subtitle to attract businesses to the region from outside the United States.” for period at end.

#### EFFECTIVE DATE

Section effective on the first day of the first fiscal year beginning after June 18, 2008, see section 14217(d) of Pub. L. 110-246, set out as a note under section 15101 of this title.

#### STATE CAPACITY BUILDING GRANT PROGRAM

Pub. L. 115-334, title VI, §6304(c), Dec. 20, 2018, 132 Stat. 4750, provided that:

“(1) DEFINITIONS.—In this subsection:

“(A) COMMISSION.—The term ‘Commission’ means the Northern Border Regional Commission established by section 15301(a)(3) of title 40, United States Code.

“(B) COMMISSION STATE.—The term ‘Commission State’ means each of the States of Maine, New Hampshire, New York, and Vermont.

“(C) ELIGIBLE COUNTY.—The term ‘eligible county’ means a county described in section 15733 of title 40, United States Code.

“(D) PROGRAM.—The term ‘program’ means the State capacity building grant program established under paragraph (2).

“(2) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act [Dec. 20, 2018], the Commission shall establish a State capacity building grant program to provide grants to Commission States to carry out the purpose under paragraph (3).

“(3) PURPOSE.—The purpose of the program is to support the efforts of the Commission—

“(A) to better support business retention and expansion in eligible counties;

“(B) to create programs to encourage job creation and workforce development in eligible counties;

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

“(D) to expand access to high-speed broadband in eligible counties;

“(E) to provide technical assistance that results in Commission investments in transportation, water, wastewater, and other critical infrastructure;

“(F) to create initiatives to increase the effectiveness of local development districts in eligible counties; and

“(G) to implement new or innovative economic development practices that will better position the eligible counties of Commission States to compete in the global economy.

“(4) USE OF FUNDS.—

“(A) IN GENERAL.—Funds from a grant under the program may be used to support a project, program, or related expense of the Commission State in an eligible county.

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

“(i) the purchase of furniture, fixtures, or equipment;

“(ii) the compensation of—

“(I) any State member of the Commission (as described in section 15301(b)(1)(B) of title 40, United States Code); or

“(II) any State alternate member of the Commission (as described in section 15301(b)(2)(B) of title 40, United States Code); or

“(iii) the cost of supplanting existing State programs.

“(5) ANNUAL WORK PLAN.—

“(A) IN GENERAL.—For each fiscal year, before providing a grant under the program, each Commission State shall provide to the Commission an annual

work plan that includes the proposed use of the grant.

“(B) APPROVAL.—No grant under the program shall be provided to a Commission State unless the Commission has approved the annual work plan of the State.

“(6) AMOUNT OF GRANT.—

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

“(i) the amount paid by the Commission State (including any amounts paid on behalf of the Commission State by a nonprofit organization) for administrative expenses for the applicable fiscal year (as determined under section 15304(c) of title 40, United States Code); bears to

“(ii) the amount paid by all Commission States (including any amounts paid on behalf of a Commission State by a nonprofit organization) for administrative expenses for that fiscal year (as determined under that section).

“(B) REQUIREMENT.—To be eligible to receive a grant under the program for a fiscal year, a Commission State (or a nonprofit organization on behalf of the Commission State) shall pay the amount of administrative expenses of the Commission State for the applicable fiscal year (as determined under section 15304(c) of title 40, United States Code).

“(C) APPROVAL.—For each fiscal year, a grant provided under the program shall be approved and made available as part of the approval of the annual budget of the Commission.

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

“(8) REPORT.—Each fiscal year, each Commission State shall submit to the Commission and make publicly available a report that describes the use of the grant funds and the impact of the program in the State.

“(9) FUNDING.—

“(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2019 through 2023.

“(B) SUPPLEMENT, NOT SUPPLANT.—Funds made available to carry out this subsection shall supplement and not supplant funds made available for the Commission and other activities of the Commission.”

#### § 15502. Comprehensive economic and infrastructure development plans

(a) STATE PLANS.—In accordance with policies established by a Commission, each State member of the Commission shall submit a comprehensive economic and infrastructure development plan for the area of the region represented by the State member.

(b) CONTENT OF PLAN.—A State economic and infrastructure development plan shall reflect the goals, objectives, and priorities identified in any applicable economic and infrastructure development plan developed by a Commission under section 15303.

(c) CONSULTATION WITH INTERESTED LOCAL PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State shall—

(1) consult with local development districts, local units of government, and local colleges and universities; and

(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

(d) PUBLIC PARTICIPATION.—

(1) IN GENERAL.—A Commission and applicable State and local development districts shall

encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

(2) GUIDELINES.—A Commission shall develop guidelines for providing public participation, including public hearings.

(Added Pub. L. 110-234, title XIV, §14217(a)(2), May 22, 2008, 122 Stat. 1476, and Pub. L. 110-246, §4(a), title XIV, §14217(a)(2), June 18, 2008, 122 Stat. 1664, 2238.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

#### EFFECTIVE DATE

Section effective on the first day of the first fiscal year beginning after June 18, 2008, see section 14217(d) of Pub. L. 110-246, set out as a note under section 15101 of this title.

### § 15503. Approval of applications for assistance

(a) EVALUATION BY STATE MEMBER.—An application to a Commission for a grant or any other assistance for a project under this subtitle shall be made through, and evaluated for approval by, the State member of the Commission representing the applicant.

(b) CERTIFICATION.—An application to a Commission for a grant or other assistance for a project under this subtitle shall be eligible for assistance only on certification by the State member of the Commission representing the applicant that the application for the project—

(1) describes ways in which the project complies with any applicable State economic and infrastructure development plan;

(2) meets applicable criteria under section 15504;

(3) adequately ensures that the project will be properly administered, operated, and maintained; and

(4) otherwise meets the requirements for assistance under this subtitle.

(c) VOTES FOR DECISIONS.—On certification by a State member of a Commission of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Commission under section 15302 shall be required for approval of the application.

(Added Pub. L. 110-234, title XIV, §14217(a)(2), May 22, 2008, 122 Stat. 1476, and Pub. L. 110-246, §4(a), title XIV, §14217(a)(2), June 18, 2008, 122 Stat. 1664, 2238.)

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### § 15504. Program development criteria

In considering programs and projects to be provided assistance by a Commission under this

subtitle, and in establishing a priority ranking of the requests for assistance provided to the Commission, the Commission shall follow procedures that ensure, to the maximum extent practicable, consideration of—

(1) the relationship of the project or class of projects to overall regional development;

(2) the per capita income and poverty and unemployment and outmigration rates in an area;

(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

(4) the importance of the project or class of projects in relation to the other projects or classes of projects that may be in competition for the same funds;

(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area to be served by the project; and

(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

(Added Pub. L. 110-234, title XIV, §14217(a)(2), May 22, 2008, 122 Stat. 1476, and Pub. L. 110-246, §4(a), title XIV, §14217(a)(2), June 18, 2008, 122 Stat. 1664, 2238.)

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### § 15505. Local development districts and organizations

(a) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—Subject to the requirements of this section, a Commission may make grants to a local development district to assist in the payment of development planning and administrative expenses.

(b) CONDITIONS FOR GRANTS.—

(1) MAXIMUM AMOUNT.—The amount of a grant awarded under this section may not exceed 80 percent of the administrative and planning expenses of the local development district receiving the grant.

(2) MAXIMUM PERIOD FOR STATE AGENCIES.—In the case of a State agency certified as a local development district, a grant may not be awarded to the agency under this section for more than 3 fiscal years.

(3) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—