

plementation of, salary, for services on a Commission from a source other than the State of the member or alternate.

(c) DETAILED EMPLOYEES.—

(1) IN GENERAL.—No person detailed to serve a Commission shall receive any salary, or any contribution to, or supplementation of, salary, for services provided to the Commission from any source other than the State, local, or intergovernmental department or agency from which the person was detailed to the Commission.

(2) VIOLATION.—Any person that violates this subsection shall be fined under title 18, imprisoned not more than 1 year, or both.

(d) FEDERAL COCHAIRMAN, ALTERNATE TO FEDERAL COCHAIRMAN, AND FEDERAL OFFICERS AND EMPLOYEES.—The Federal Cochairman, the alternate to the Federal Cochairman, and any Federal officer or employee detailed to duty with the Commission are not subject to this section but remain subject to sections 202 through 209 of title 18.

(e) RESCISSION.—A Commission may declare void any contract, loan, or grant of or by the Commission in relation to which the Commission determines that there has been a violation of any provision under subsection (a)(1), (b), or (c), or any of the provisions of sections 202 through 209 of title 18.

(Added Pub. L. 110-234, title XIV, §14217(a)(2), May 22, 2008, 122 Stat. 1473, and Pub. L. 110-246, §4(a), title XIV, §14217(a)(2), June 18, 2008, 122 Stat. 1664, 2235.)

Editorial Notes

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 L. 110-234 was repealed by section 4(a) of Pub.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.

Statutory Notes and Related Subsidiaries

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.

§ 15307. Tribal participation

Governments of Indian tribes in the region of the Southwest Border Regional Commission shall be allowed to participate in matters before that Commission in the same manner and to the same extent as State agencies and instrumentalities in the region.

(Added Pub. L. 110-234, title XIV, §14217(a)(2), May 22, 2008, 122 Stat. 1474, and Pub. L. 110-246, §4(a), title XIV, §14217(a)(2), June 18, 2008, 122 Stat. 1664, 2236.)

Editorial Notes

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 L. 110-234 was repealed by section 4(a) of Pub.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.

Statutory Notes and Related Subsidiaries

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.

§ 15308. Annual report

(a) IN GENERAL.—Not later than 90 days after the last day of each fiscal year, each Commission shall submit to the President and Congress a report on the activities carried out by the Commission under this subtitle in the fiscal year.

(b) CONTENTS.—The report shall include—

(1) a description of the criteria used by the Commission to designate counties under section 15702 and a list of the counties designated in each category;

(2) an evaluation of the progress of the Commission in meeting the goals identified in the Commission's economic and infrastructure development plan under section 15303 and State economic and infrastructure development plans under section 15502; and

(3) any policy recommendations approved by the Commission.

(Added Pub. L. 110-234, title XIV, §14217(a)(2), May 22, 2008, 122 Stat. 1474, and Pub. L. 110-246, §4(a), title XIV, §14217(a)(2), June 18, 2008, 122 Stat. 1664, 2236.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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.

CHAPTER 155—FINANCIAL ASSISTANCE

Sec.

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| 15501. | Economic and infrastructure development grants. |
| 15502. | Comprehensive economic and infrastructure development plans. |
| 15503. | Approval of applications for assistance. |
| 15504. | Program development criteria. |
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Editorial Notes

AMENDMENTS

2018—Pub. L. 115-334, title VI, §6304(g), Dec. 20, 2018, 132 Stat. 4752, renumbered chapter 3 of subtitle V of this title as chapter 155 of this title.

§ 15501. Economic and infrastructure development grants

(a) IN GENERAL.—A Commission may make grants to States and local governments, Indian tribes, and public and nonprofit organizations

for projects, approved in accordance with section 15503—

(1) to develop the transportation infrastructure of its region;

(2) to develop the basic public infrastructure of its region;

(3) to develop the telecommunications infrastructure of its region;

(4) to assist its region in obtaining job skills training, skills development and employment-related education, entrepreneurship, technology, and business development;

(5) to provide assistance to severely economically distressed and underdeveloped areas of its region that lack financial resources for improving basic health care and other public services;

(6) to promote resource conservation, tourism, recreation, and preservation of open space in a manner consistent with economic development goals;

(7) to promote the development of renewable and alternative energy sources;

(8) to grow the capacity for successful community economic development in its region; and

(9) to otherwise achieve the purposes of this subtitle.

(b) ALLOCATION OF FUNDS.—A Commission shall allocate at least 40 percent of any grant amounts provided by the Commission in a fiscal year for projects described in paragraph (1), (2), (3), or (7) of subsection (a).

(c) SOURCES OF GRANTS.—Grant amounts may be provided entirely from appropriations to carry out this subtitle, in combination with amounts available under other Federal grant programs, or from any other source.

(d) MAXIMUM COMMISSION CONTRIBUTIONS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Commission may contribute not more than 50 percent of a project or activity cost eligible for financial assistance under this section from amounts appropriated to carry out this subtitle.

(2) DISTRESSED COUNTIES.—The maximum Commission contribution for a project or activity to be carried out in a county for which a distressed county designation is in effect under section 15702 may be increased to 80 percent.

(3) SPECIAL RULE FOR REGIONAL PROJECTS.—A Commission may increase to 60 percent under paragraph (1) and 90 percent under paragraph (2) the maximum Commission contribution for a project or activity if—

(A) the project or activity involves 3 or more counties or more than one State; and

(B) the Commission determines in accordance with section 15302(a) that the project or activity will bring significant interstate or multicounty benefits to a region.

(e) MAINTENANCE OF EFFORT.—Funds may be provided by a Commission for a program or project in a State under this section only if the Commission determines that the level of Federal or State financial assistance provided under a law other than this subtitle, for the same type of program or project in the same area of the State within region, will not be reduced as a result of funds made available by this subtitle.

(f) NO RELOCATION ASSISTANCE.—Financial assistance authorized by this section may not be used to assist a person or entity in relocating from one area to another, except that financial assistance may be used as otherwise authorized by this subtitle to attract businesses to the region from outside the United States.

(Added Pub. L. 110-234, title XIV, §14217(a)(2), May 22, 2008, 122 Stat. 1474, and Pub. L. 110-246, §4(a), title XIV, §14217(a)(2), June 18, 2008, 122 Stat. 1664, 2236; amended Pub. L. 115-334, title VI, §6304(b), Dec. 20, 2018, 132 Stat. 4749.)

Editorial Notes

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.

AMENDMENTS

2018—Subsec. (a)(8), (9). Pub. L. 115-334, §6304(b)(1), added par. (8) and redesignated former par. (8) as (9).

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.

Statutory Notes and Related Subsidiaries

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.

WAIVER OF REQUIREMENTS RELATING TO NON-FEDERAL COST-SHARE GRANTS AND COOPERATIVE AGREEMENTS FOR THE NORTHERN BORDER REGIONAL COMMISSION

Pub. L. 116-260, div. D, title V, §505(b), Dec. 27, 2020, 134 Stat. 1379, provided that: “Requirements relating to non-Federal cost-share grants and cooperative agreements for the Northern Border Regional Commission under section 15501(d) of title 40, United States Code, are waived for grants awarded in fiscal year 2020 and in subsequent years in response to economic distress directly related to the impacts of the Coronavirus Disease (COVID-19).”

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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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.