

DEFINITIONS

Agreement means the North American Free Trade Agreement, see section 3301(1) of Title 19, Customs Duties.

§ 290m-3. “Border Environment Cooperation Agreement” defined

For purposes of this subchapter, the term “Border Environment Cooperation Agreement” (referred to in this subchapter as the “Cooperation Agreement”) means the November 1993 Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank.

(Pub. L. 103-182, title V, §544, Dec. 8, 1993, 107 Stat. 2170.)

§ 290m-4. Authority to agree to certain amendments to the Border Environment Cooperation Agreement

The President may agree to amendments to the Cooperation Agreement that—

- (1) enable the Bank to make grants and non-market rate loans out of its paid-in capital resources with the approval of its Board; and
- (2) amend the definition of “border region” to include the area in the United States that is within 100 kilometers of the international boundary between the United States and Mexico, and the area in Mexico that is within 300 kilometers of the international boundary between the United States and Mexico.

(Pub. L. 103-182, title V, §545, as added Pub. L. 108-215, §1(a), Apr. 5, 2004, 118 Stat. 579.)

§ 290m-5. Grants out of paid-in capital resources

(a) In general

The President shall instruct the United States Federal Government representatives on the Board of Directors of the North American Development Bank to oppose any proposal where grants out of the Bank’s paid-in capital resources, except for grants from paid-in capital authorized for the community adjustment and investment program under the Bank’s charter of 1993, would—

- (1) be made to a project that is not being financed, in part, by loans; or
- (2) account for more than 50 percent of the financing of any individual project.

(b) Exception

(1) General rule

The requirements of subsection (a) of this section shall not apply in cases where—

- (A) the President determines there are exceptional economic circumstances for making the grant and consults with the Committee on Foreign Relations of the Senate and the Committee on Financial Services of the House of Representatives; or
- (B)(i) the grant is being made for a project that is so small that obtaining a loan is impractical; and
- (ii) the grant does not exceed \$250,000.

(2) Limitation

Not more than an aggregate of \$5,000,000 in grants may be made under this subsection.

(Pub. L. 103-182, title V, §546, as added Pub. L. 108-215, §1(b), Apr. 5, 2004, 118 Stat. 579.)

§ 290m-6. Annual report

The Secretary of the Treasury shall submit annually to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate a written report on the North American Development Bank, which addresses the following issues:

- (1) The number and description of the projects that the North American Development Bank has approved. The description shall include the level of market-rate loans, non-market-rate loans, and grants used in an approved project, and a description of whether an approved project is located within 100 kilometers of the international boundary between the United States and Mexico or within 300 kilometers of the international boundary between the United States and Mexico.

- (2) The number and description of the approved projects in which money has been dispersed.

- (3) The number and description of the projects which have been certified by the Border Environment Cooperation Commission, but yet not financed by the North American Development Bank, and the reasons that the projects have not yet been financed.

- (4) The total of the paid-in capital, callable capital, and retained earnings of the North American Development Bank, and the uses of such amounts.

- (5) A description of any efforts and discussions between the United States and Mexican governments to expand the type of projects which the North American Development Bank finances beyond environmental projects.

- (6) A description of any efforts and discussions between the United States and Mexican governments to improve the effectiveness of the North American Development Bank.

- (7) The number and description of projects authorized under the Water Conservation Investment Fund of the North American Development Bank.

(Pub. L. 108-215, §2, Apr. 5, 2004, 118 Stat. 580.)

CODIFICATION

Section was enacted as part of Pub. L. 108-215, and not as part of part 2 of subtitle D of title V of Pub. L. 103-182, which comprises this subchapter.

SUBCHAPTER XXIX—UNITED STATES-MEXICO BORDER HEALTH COMMISSION

§ 290n. Appointment of members of Border Health Commission

Not later than 30 days after November 29, 1999, the President shall appoint the United States members of the United States-Mexico Border Health Commission, and shall attempt to conclude an agreement with Mexico providing for the establishment of such Commission.

(Pub. L. 103-400, §2, as added Pub. L. 106-113, div. B, §1000(a)(4) [title V, §516(1)], Nov. 29, 1999, 113 Stat. 1535, 1501A-276.)

PRIOR PROVISIONS

A prior section 290n, Pub. L. 103-400, § 2, Oct. 22, 1994, 108 Stat. 4169, related to the establishment of the Border Health Commission, prior to repeal by Pub. L. 106-113, div. B, § 1000(a)(4) [title V, § 516(1)], Nov. 29, 1999, 113 Stat. 1535, 1501A-276.

SHORT TITLE

Section 1 of Pub. L. 103-400 provided that: "This Act [enacting this subchapter] may be cited as the 'United States-Mexico Border Health Commission Act'."

§ 290n-1. Duties

It should be the duty of the Commission—

(1) to conduct a comprehensive needs assessment in the United States-Mexico Border Area for the purposes of identifying, evaluating, preventing, and resolving health problems and potential health problems that affect the general population of the area; and

(2) to implement the actions recommended by the needs assessment through—

(A) assisting in the coordination and implementation of the efforts of public and private entities to prevent and resolve such health problems, and

(B) assisting in the coordination and implementation of efforts of public and private entities to educate such population, in a culturally competent manner, concerning such health problems.

(Pub. L. 103-400, § 3, Oct. 22, 1994, 108 Stat. 4169; Pub. L. 106-113, div. B, § 1000(a)(4) [title V, § 516(2)], Nov. 29, 1999, 113 Stat. 1535, 1501A-276.)

AMENDMENTS

1999—Par. (1). Pub. L. 106-113, § 1000(a)(4) [title V, § 516(2)(A)], substituted “; and” for semicolon at end.

Par. (2)(B). Pub. L. 106-113, § 1000(a)(4) [title V, § 516(2)(B)], substituted period for “; and” at end.

Par. (3). Pub. L. 106-113, § 1000(a)(4) [title V, § 516(2)(C)], struck out par. (3) which read as follows: “to formulate recommendations to the Governments of the United States and Mexico concerning a fair and reasonable method by which the government of one country could reimburse a public or private entity in the other country for the cost of a health care service that the entity furnishes to a citizen of the first country who is unable, through insurance or otherwise, to pay for the service.”

§ 290n-2. Other authorized functions

In addition to the duties described in section 290n-1 of this title, the Commission should be authorized to perform the following functions as the Commission determines to be appropriate—

(1) to conduct or support investigations, research, or studies designed to identify, study, and monitor, on an on-going basis, health problems that affect the general population in the United States-Mexico Border Area;

(2) to conduct or support a binational, public-private effort to establish a comprehensive and coordinated system, which uses advanced technologies to the maximum extent possible, for gathering health-related data and monitoring health problems in the United States-Mexico Border Area; and

(3) to provide financial, technical, or administrative assistance to public or private nonprofit entities who act to prevent or resolve such problems or who educate the population concerning such health problems.

(Pub. L. 103-400, § 4, Oct. 22, 1994, 108 Stat. 4169.)

§ 290n-3. Membership**(a) Number and appointment of United States section**

The United States section of the Commission should be composed of 13 members. The section should consist of the following members:

(1) The Secretary of Health and Human Services or the Secretary's delegate.

(2) The commissioners of health or chief health officer from the States of Texas, New Mexico, Arizona, and California or such commissioners' delegates.

(3) Two individuals residing in United States-Mexico Border Area in each of the States of Texas, New Mexico, Arizona, and California who are nominated by the chief executive officer of the respective States and appointed by the President from among individuals who have demonstrated ties to community-based organizations and have demonstrated interest and expertise in health issues of the United States-Mexico Border Area.

(b) Commissioner

The Commissioner of the United States section of the Commission should be the Secretary of Health and Human Services or such individual's delegate to the Commission. The Commissioner should be the leader of the section.

(c) Compensation

Members of the United States section of the Commission who are not employees of the United States or any State—

(1) shall each receive compensation at a rate of not to exceed the daily equivalent of the annual rate of basic pay payable for positions at GS-15 of the General Schedule under section 5332 of title 5 for each day such member is engaged in the actual performance of the duties of the Commission; and

(2) shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services of the Commission.

(Pub. L. 103-400, § 5, Oct. 22, 1994, 108 Stat. 4170.)

§ 290n-4. Regional offices

The Commission may designate or establish one border health office in each of the States of Texas, New Mexico, Arizona, and California. Such office should be located within the United States-Mexico Border Area, and should be coordinated with—

(1) State border health offices; and

(2) local nonprofit organizations designated by the State's chief executive officer and directly involved in border health issues.

If feasible to avoid duplicative efforts, the Commission offices should be located in existing State or local nonprofit offices. The Commission should provide adequate compensation for cooperative efforts and resources.

(Pub. L. 103-400, § 6, Oct. 22, 1994, 108 Stat. 4170.)

§ 290n-5. Reports

Not later than February 1 of each year that occurs more than 1 year after the date of the establishment of the Commission, the Commission should submit an annual report to both the United States Government and the Government of Mexico regarding all activities of the Commission during the preceding calendar year.

(Pub. L. 103-400, § 7, Oct. 22, 1994, 108 Stat. 4171.)

§ 290n-6. Definitions

As used in this subchapter:

(1) Commission

The term “Commission” means the United States-Mexico Border Health Commission.

(2) Health problem

The term “health problem” means a disease or medical ailment or an environmental condition that poses the risk of disease or medical ailment. The term includes diseases, ailments, or risks of disease or ailment caused by or related to environmental factors, control of animals and rabies, control of insect and rodent vectors, disposal of solid and hazardous waste, and control and monitoring of air quality.

(3) Secretary

The term “Secretary” means the Secretary of Health and Human Services.

(4) United States-Mexico Border Area

The term “United States-Mexico Border Area” means the area located in the United States and Mexico within 100 kilometers of the border between the United States and Mexico.

(Pub. L. 103-400, § 8, Oct. 22, 1994, 108 Stat. 4171.)

SUBCHAPTER XXX—MIDDLE EAST
DEVELOPMENT BANK

§ 290o. Acceptance of membership

The President is hereby authorized to accept membership for the United States in the Bank for Economic Cooperation and Development in the Middle East and North Africa (in this subchapter referred to as the “Bank”) provided for by the agreement establishing the Bank (in this subchapter referred to as the “Agreement”), signed on May 31, 1996.

(Pub. L. 104-208, div. A, title I, § 101(c) [title VII, § 702], Sept. 30, 1996, 110 Stat. 3009-121, 3009-179.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title I, § 101(c) [title VII], of div. A of Pub. L. 104-208, Sept. 30, 1996, 110 Stat. 3009-121, 3009-179, which is classified principally to this subchapter. For complete classification of title I, § 101(c) [title VII], to the Code, see Short Title note below and Tables.

SHORT TITLE

Section 101(c) [title VII, § 701] of div. A of Pub. L. 104-208 provided that: “This title [enacting this subchapter and amending sections 262r and 276c-2 of this title and section 24 of Title 12, Banks and Banking] may be cited as the ‘Bank for Economic Cooperation and Development in the Middle East and North Africa Act.’”

§ 290o-1. Governor and alternate Governor**(a) Appointment**

At the inaugural meeting of the Board of Governors of the Bank, the Governor and the alternate for the Governor of the International Bank for Reconstruction and Development, appointed pursuant to section 286a of this title, shall serve ex-officio as a Governor and the alternate for the Governor, respectively, of the Bank. The President, by and with the advice and consent of the Senate, shall appoint a Governor of the Bank and an alternate for the Governor.

(b) Compensation

Any person who serves as a governor of the Bank or as an alternate for the Governor may not receive any salary or other compensation from the United States by reason of such service.

(Pub. L. 104-208, div. A, title I, § 101(c) [title VII, § 703], Sept. 30, 1996, 110 Stat. 3009-121, 3009-179.)

§ 290o-2. Applicability of certain provisions of Bretton Woods Agreements Act

Section 286b of this title shall apply to the Bank in the same manner in which such section applies to the International Bank for Reconstruction and Development and the International Monetary Fund.

(Pub. L. 104-208, div. A, title I, § 101(c) [title VII, § 704], Sept. 30, 1996, 110 Stat. 3009-121, 3009-179.)

REFERENCES IN TEXT

The Bretton Woods Agreements Act, referred to in section catchline, is act July 31, 1945, ch. 339, 59 Stat. 512, as amended, which is classified principally to subchapter XV (§ 286 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 286 of this title and Tables.

§ 290o-3. Federal Reserve Banks as depositories

Any Federal Reserve Bank which is requested to do so by the Bank may act as its depository, or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall exercise general supervision over the carrying out of these functions.

(Pub. L. 104-208, div. A, title I, § 101(c) [title VII, § 705], Sept. 30, 1996, 110 Stat. 3009-121, 3009-179.)

§ 290o-4. Subscription of stock**(a) Subscription authority****(1) In general**

The Secretary of the Treasury may subscribe on behalf of the United States to not more than 7,011,270 shares of the capital stock of the Bank.

(2) Effectiveness of subscription commitment

Any commitment to make such subscription shall be effective only to such extent or in such amounts as are provided for in advance by appropriations Acts.

(b) Limitations on authorization of appropriations

For payment by the Secretary of the Treasury of the subscription of the United States for shares described in subsection (a) of this section,