

operation and, where appropriate, international cooperation; and

(8) work with State and local agencies in developing appropriate model legislation to enhance local and regional economic development.

(Added Pub. L. 110-234, title XIV, §14217(a)(2), May 22, 2008, 122 Stat. 1470, and Pub. L. 110-246, §4(a), title XIV, §14217(a)(2), June 18, 2008, 122 Stat. 1664, 2232.)

#### REFERENCES IN TEXT

The date of the enactment of this section, referred to in par. (3), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

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 L. 110-234 was repealed by section 4(a) of Pub.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

### § 15304. Administrative powers and expenses

(a) **POWERS.**—In carrying out its duties under this subtitle, a Commission may—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Commission as the Commission considers appropriate;

(2) authorize, through the Federal or State Cochairperson or any other member of the Commission designated by the Commission, the administration of oaths if the Commission determines that testimony should be taken or evidence received under oath;

(3) request from any Federal, State, or local agency such information as may be available to or procurable by the agency that may be of use to the Commission in carrying out the duties of the Commission;

(4) adopt, amend, and repeal bylaws and rules governing the conduct of business and the performance of duties by the Commission;

(5) request the head of any Federal agency, State agency, or local government to detail to the Commission such personnel as the Commission requires to carry out its duties, each such detail to be without loss of seniority, pay, or other employee status;

(6) provide for coverage of Commission employees in a suitable retirement and employee benefit system by making arrangements or entering into contracts with any participating State government or otherwise providing retirement and other employee coverage;

(7) accept, use, and dispose of gifts or donations or services or real, personal, tangible, or intangible property;

(8) enter into and perform such contracts, cooperative agreements, or other transactions as are necessary to carry out Commission duties, including any contracts or cooperative agreements with a department, agency, or instrumentality of the United States, a State (including a political subdivision, agency, or instrumentality of the State), or a person, firm, association, or corporation; and

(9) maintain a government relations office in the District of Columbia and establish and

maintain a central office at such location in its region as the Commission may select.

(b) **FEDERAL AGENCY COOPERATION.**—A Federal agency shall—

(1) cooperate with a Commission; and

(2) provide, to the extent practicable, on request of the Federal Cochairperson, appropriate assistance in carrying out this subtitle, in accordance with applicable Federal laws (including regulations).

(c) **ADMINISTRATIVE EXPENSES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the administrative expenses of a Commission shall be paid—

(A) by the Federal Government, in an amount equal to 50 percent of the administrative expenses of the Commission; and

(B) by the States participating in the Commission, in an amount equal to 50 percent of the administrative expenses.

(2) **EXPENSES OF THE FEDERAL COCHAIRPERSON.**—All expenses of the Federal Cochairperson, including expenses of the alternate and staff of the Federal Cochairperson, shall be paid by the Federal Government.

(3) **STATE SHARE.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the share of administrative expenses of a Commission to be paid by each State of the Commission shall be determined by a unanimous vote of the State members of the Commission.

(B) **NO FEDERAL PARTICIPATION.**—The Federal Cochairperson shall not participate or vote in any decision under subparagraph (A).

(C) **DELINQUENT STATES.**—During any period in which a State is more than 1 year delinquent in payment of the State's share of administrative expenses of the Commission under this subsection—

(i) no assistance under this subtitle shall be provided to the State (including assistance to a political subdivision or a resident of the State) for any project not approved as of the date of the commencement of the delinquency; and

(ii) no member of the Commission from the State shall participate or vote in any action by the Commission.

(4) **EFFECT ON ASSISTANCE.**—A State's share of administrative expenses of a Commission under this subsection shall not be taken into consideration when determining the amount of assistance provided to the State under this subtitle.

(Added Pub. L. 110-234, title XIV, §14217(a)(2), May 22, 2008, 122 Stat. 1471, and Pub. L. 110-246, §4(a), title XIV, §14217(a)(2), June 18, 2008, 122 Stat. 1664, 2233.)

#### 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.

### § 15305. Meetings

(a) **INITIAL MEETING.**—Each Commission shall hold an initial meeting not later than 180 days after the date of the enactment of this section.

(b) ANNUAL MEETING.—Each Commission shall conduct at least 1 meeting each year with the Federal Cochairperson and at least a majority of the State members present.

(c) ADDITIONAL MEETINGS.—Each Commission shall conduct additional meetings at such times as it determines and may conduct such meetings by electronic means.

(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.)

#### REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (a), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

#### 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.

### § 15306. Personal financial interests

(a) CONFLICTS OF INTEREST.—

(1) NO ROLE ALLOWED.—Except as permitted by paragraph (2), an individual who is a State member or alternate, or an officer or employee of a Commission, shall not participate personally and substantially as a member, alternate, officer, or employee of the Commission, through decision, approval, disapproval, recommendation, request for a ruling, or other determination, contract, claim, controversy, or other matter in which, to the individual's knowledge, any of the following has a financial interest:

(A) The individual.

(B) The individual's spouse, minor child, or partner.

(C) An organization (except a State or political subdivision of a State) in which the individual is serving as an officer, director, trustee, partner, or employee.

(D) Any person or organization with whom the individual is negotiating or has any arrangement concerning prospective employment.

(2) EXCEPTION.—Paragraph (1) shall not apply if the individual, in advance of the proceeding, application, request for a ruling or other determination, contract, claim controversy, or other particular matter presenting a potential conflict of interest—

(A) advises the Commission of the nature and circumstances of the matter presenting the conflict of interest;

(B) makes full disclosure of the financial interest; and

(C) receives a written decision of the Commission that the interest is not so substantial as to be considered likely to affect the integrity of the services that the Commission may expect from the individual.

(3) VIOLATION.—An individual violating this subsection shall be fined under title 18, imprisoned for not more than 1 year, or both.

(b) STATE MEMBER OR ALTERNATE.—A State member or alternate member may not receive any salary, or any contribution to, or supple-

mentation 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.)

#### 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.

### § 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.)

#### 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.

### § 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