

represented by no fewer than 1 and no more than 3 members of the Advisory Committee.

(3) Function

It shall be the function of the Advisory Committee—

(A) to provide advice to the President regarding the implementation of the community adjustment and investment program, including advice on the guidelines to be established by the President for the loans and loan guarantees to be made pursuant to subsection (a)(4), advice on identifying the needs for adjustment assistance and investment in support of the goals and objectives of the Agreement, taking into account economic and geographic considerations, and advice on such other matters as may be requested by the President; and

(B) to review on a regular basis the operation of the community adjustment and investment program and provide the President with the conclusions of its review.

(4) Terms of members

(A) In general

Each member of the Advisory Committee shall serve at the pleasure of the President.

(B) Chairperson

The President shall appoint a chairperson from among the members of the Advisory Committee.

(C) Meetings

The Advisory Committee shall meet at least annually and at such other times as requested by the President or the chairperson. A majority of the members of the Advisory Committee shall constitute a quorum.

(D) Reimbursement for expenses

The members of the Advisory Committee may receive reimbursement for travel, per diem, and other necessary expenses incurred in the performance of their duties, in accordance with the Federal Advisory Committee Act.

(E) Staff and facilities

The Advisory Committee may utilize the facilities and services of employees of any Federal agency without cost to the Advisory Committee, and any such agency is authorized to provide services as requested by the Committee.

(c) Ombudsman

The President shall appoint an ombudsman to provide the public with an opportunity to participate in the carrying out of the community adjustment and investment program.

(1) Function

It shall be the function of the ombudsman—

(A) to establish procedures for receiving comments from the general public on the operation of the community adjustment and investment program, to receive such comments, and to provide the President with summaries of the public comments; and

(B) to perform an independent inspection and programmatic audit of the operation of

the community adjustment and investment program and to provide the President with the conclusions of its investigation and audit.

(2) Authorization of appropriations

There are authorized to be appropriated to the President, or such agency as the President may designate, \$25,000 for fiscal year 1995 and for each fiscal year thereafter, for the costs of the ombudsman.

(d) Reporting requirement

The President shall submit to the appropriate congressional committees an annual report on the community adjustment and investment program (if any) that is carried out pursuant to this section. Each report shall state the amount of the loans made or guaranteed during the 12-month period ending on the day before the date of the report.

(Pub. L. 103-182, title V, §543, Dec. 8, 1993, 107 Stat. 2167.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (b)(1), (4)(D), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (a)(1) to (3) of this section delegated to Secretary of the Treasury and functions of President under subsecs. (a)(5) and (d) of this section delegated to Community Adjustment and Investment Program Finance Committee by sections 4 to 6 of Ex. Ord. No. 12916, May 13, 1994, 59 F.R. 25780, set out as a note under section 3473 of Title 19, Customs Duties.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

COMMUNITY ADJUSTMENT AND INVESTMENT PROGRAM
FINANCE COMMITTEE

For provisions establishing the Community Adjustment and Investment Program Finance Committee to assist in carrying out the program pursuant to subsec. (a)(3) of this section and to provide to the President advice and conclusions of reviews by the Advisory Committee pursuant to subsec. (b)(3) of this section and summaries of public comments or conclusions of investigations and audits by the ombudsman pursuant to subsec. (c)(1) of this section, see Ex. Ord. No. 12916, §§7-9, May 13, 1994, 59 F.R. 25780, set out as a note under section 3473 of Title 19, Customs Duties.

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.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this part” meaning part 2 of subtitle D of title V of Pub. L. 103-182, which enacted this subchapter and amended section 24 of Title 12, Banks and Banking. For complete classification of part 2 to the Code, see Tables.

§ 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) 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. Repealed. Pub. L. 113-188, title XVI, § 1601(a), Nov. 26, 2014, 128 Stat. 2025

Section, Pub. L. 108-215, §2, Apr. 5, 2004, 118 Stat. 580, required and described the content of annual reports on the North American Development Bank.

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

Pub. L. 103-400, §1, Oct. 22, 1994, 108 Stat. 4169, 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