



UNITED STATES-MEXICO BORDER HEALTH COMMISSION BYLAWS

Amendments Approved by Consensus April 12, 2003 7th Binational Commission Meeting

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UNITED STATES-MEXICO BORDER HEALTH COMMISSION BYLAWS

Authority

The United States-Mexico Border Health Commission was created by an international agreement (hereafter the Agreement) and signed by the United States Secretary of Health and Human Services on July 14, 2000, in Washington, D.C. and by the Secretary of Health of Mexico on July 24, 2000, in Mexico City.

Purpose

The purpose of the Commission is to identify and evaluate current and future health problems affecting the population in the United States-Mexico border area, and to encourage and facilitate actions to address these problems (Article 1 of the Agreement).

Objectives

The objectives of the Bylaws are:

1. To establish the Commission's structure, organization and operation;
2. To establish functions and responsibilities of the Commission's members and personnel; and
3. To establish the binational operation of the Commission on a unified and comprehensive basis.

CHAPTER I

The Commission

Article 1-Definitions

The Commission

The United States–Mexico Border Health Commission (hereafter the “Commission”) is an international organization of a regional nature with its own juridical personality, budget and assets.

The Parties

“The Parties” to the Agreement that established the Commission are the United States and the United Mexican States.

United States-Mexico Border Area

“United States-Mexico Border Area” means the area located in the United States and Mexico within 100 kilometers of the inland and maritime boundary between the United States and Mexico (Article 2, Section C of the Agreement).

Health Problem

“Health Problem” means a disease or a public health condition that poses a public health risk to the population residing in the United States-Mexico border area, particularly those in vulnerable high-risk groups (Article 2, Section B of the Agreement).

The Commissioners

The “Commissioners” are the United States Secretary of Health and Human Services and the Secretary of Health of Mexico, as defined in Article 5, Sections 2 and 3 of the Agreement.

Official Documents

“Official documents” are all documents deemed to be official by the Commission including minutes, annual report, financial reports, audits and other publications.

Executive Director/Executive Secretary

“The Executive Director of the United States Section and the Executive Secretary of the Mexico Section ” are the officers responsible for their respective Secretariats. These titles may be used interchangeably.

Article 2-Composition

1. The Commission shall consist of a United States Section and a Mexico Section (Article 5-Section 1 of the Agreement).
2. The United States Section of the Commission shall be composed of the Secretary of Health and Human Services or the Secretary’s delegate and 12 other members, who shall be designated by the Government of the United States of America. The Commissioner of the United States Section shall be the Secretary of Health and Human Services or the Secretary’s delegate (Article 5-Section 2 of the Agreement).
3. The Mexico Section of the Commission shall be composed of the Secretary of Health or the Secretary’s delegate and 12 other members, who shall be designated by the Government of the United Mexican States. The Commissioner of the Mexico Section shall be the Secretary of Health or the Secretary’s delegate (Article 5-Section 3 of the Agreement).

CHAPTER II

Organization

The Commission

Article 1-Functions of the Commission

In order to achieve its purpose, the Commission may undertake the following activities:

1. Conduct public health needs assessments in the United States-Mexico border area; and conduct or support investigations, research or studies designed to identify and monitor health problems;
2. Provide financial, technical or administrative support to assist the efforts of public and private nonprofit entities to prevent and resolve health problems;
3. Conduct or support health promotion and disease prevention activities in the United States-Mexico border area;
4. Conduct or support the establishment of an extensive and coordinated system, that uses advanced technologies to the extent possible, for gathering health-related data and monitoring health problems in the United States-Mexico border area (Article 3, Section 1 of the Agreement);
5. The Commission may, as appropriate, consult and collaborate with non-governmental bodies and other entities involved in public health activities in the United States-Mexico border area (Article 3, Section 2 of the Agreement).

Article 2-Operational Components

The Commission shall be the governing body. Additional operational components include:

1. The Executive Secretariats of the United States and Mexico (Article 6, Section 1 of the Agreement);
2. Standing committees shall be: Agenda Committee, Work Plan and Budget Committee, and Healthy Border 2010 Committee;
3. Other ad hoc or standing committees, as determined by the Commission.

Article 3-Committees' Composition

The Committees of the Commission shall be:

1. The Standing committees shall consist of three members of the United

- States Section and three members of the Mexico Section;
2. Ad hoc committees created by the Commission shall consist of up to three members of the United States Section and up to three members of the Mexico Section; and
 3. All committees shall be co-chaired by one member of the United States Section and one member of the Mexico Section, chosen by their respective sections.

Article 4-Relations between Sections

1. The relations between the United States and Mexico Section members are based on equality, dignity and respect for the sovereignty of both nations in a spirit of cooperation.
2. The Commission shall consist of two sections, which allows the implementation of the Commission's decisions in each country, according to the laws and regulations of that country.

Article 5-Responsibilities of the Commission

In order to carry out its functions, the responsibilities of the Commission are:

1. To contribute to the improvement of health in the border region, to impact border public health policy and actions at a binational level;
2. To review and approve the general work plan, Healthy Border program, budget, audits, reports of activities, the annual report and other pertinent matters;
3. To establish ad-hoc committees and standing committees;
4. To create relationships that further the purpose of the Commission;
5. To assure the fiscal integrity of its operation;
6. To establish the Commission's editorial policy; and
7. To seek technical and scientific consultation as needed.

Article 6-Responsibilities of the Commissioners

The responsibilities of the Commissioners are:

1. To represent their respective Governments and national health programs;
2. To preside jointly over Commission meetings;
3. To be the liaison for purposes of coordinating cooperation between the Parties; for the Government of the United States of America, the liaison shall be the Secretary of Health and Human Services or the Secretary's designee; for the Government of the United Mexican States, the liaison shall be the Secretary of Health or the Secretary's designee (Article 9 of the Agreement).

4. To submit to the President and Congress of each country the Commission's annual report;
5. To submit budgetary requests for the Commission to their respective Congresses;
6. To support the decisions made by the Commission;
7. To designate their respective delegates to the Commission; and
8. To sign relevant agreements, as authorized by the Commission.

Article 7-Responsibilities of the Members of the Commission

The responsibilities of the members of the Commission are:

1. To participate in Commission meetings and Commission-related meetings;
2. To establish Commission guidelines and directives in order to meet the objectives of the Agreement;
3. To cast their votes in Commission matters;
4. To support the decisions and agreements approved by the Commission at the federal, state and local levels in both the United States and Mexico, in each Commission member's country and areas of jurisdiction;
5. To declare and avoid conflicts of interest and appearances of impropriety in accordance with a code of ethics and applicable laws, rules and regulations;
6. To submit work proposals for the Commission's consideration;
7. To advocate, educate and inform others about the Commission;
8. To monitor the progress of the work plan and execution of its budget; and
9. To represent the Commission, when designated by the Commission.

Article 8-Responsibilities of the Executive Director / Executive Secretary

The responsibilities of the Executive Director / Executive Secretary of the United States and Mexico's Sections are:

1. To execute the decisions of the Commission;
2. To propose the work plan and budget for approval by the Commission;
3. To report on the progress of the work plan and budget;
4. To administer the day-to-day functions of their respective Section including personnel, technical, financial and material resources;
5. To coordinate the Commission outreach offices and activities in the states on both sides of the United States-Mexico border;
6. To represent the Commission before public and private organizations working in border health;
7. To develop relationships with state border health offices;

8. To monitor work-related activities and programs that have financing from the Commission;
9. To act as the Commission's legal representation and signature authority;
10. To develop and sign contracts, carry out administrative acts on behalf of the Commission and implement the budget;
11. To establish and operate the Border Health Information System that includes electronic intercommunication systems, an Internet website, a statistical database on health and the geographic information system (GIS);
12. To maintain records of the Commission's agreements, official documents and votes;
13. To carry out procedures with the corresponding authorities to import and export materials, equipment and funds related to Commission activities on both sides of the border;
14. To prepare and organize Commission meetings;
15. To perform promotional work and advocacy, provide public information, and engage in press and media relations;
16. To prepare the draft of the annual report for Commission approval; and
17. To declare and avoid conflicts of interest and appearances of impropriety in accordance with a code of ethics and applicable laws, rules and regulations;

Article 9-Responsibilities of the Standing Committees

1. The Agenda Committee shall set the agenda and the site for Commission meetings.
2. The Work Plan and Budget Committee shall assist the Executive Director / Secretary in the development of the annual work plan and budget and monitor their progress.
3. The Healthy Border 2010 Committee shall monitor, evaluate, and track the progress and targets of the Healthy Border 2010 program.

CHAPTER III

Operation

Article 1-Meetings

1. The Commission shall meet at least annually in the United States-Mexico border area (Article 6, Section 4 of the Agreement). The Commission may hold additional meetings;
2. The Commissioners of their respective countries and the states' secretaries of health shall be in attendance at the annual Commission meeting;

3. The proposed agenda for the meetings shall be submitted by the Executive Director and the Executive Secretary and shall be approved by the Commission. The agenda shall be sent to members of the Commission at least 30 days prior to the meeting.
4. A quorum shall be defined as fourteen members or their alternates; that is, seven members of each section, including the Commissioners or their delegates. In case this quorum is not present, a new meeting will be called on a date and time established by the Commission.
5. Meetings of the Commission shall be open to the public, but may include closed executive sessions.
6. Notification of the meetings shall be widely distributed by the state outreach offices and others;
7. The decisions and agreements reached in the meetings of the Commission must be recorded in the minutes. The Executive Director and the Executive Secretary shall distribute draft minutes of Commission meetings within 14 days of the meeting date.
8. The Commission shall establish a yearly schedule for meetings.
9. Commission meetings may be established at the discretion of either Commissioner;
10. The meetings of ad hoc and standing committees and other committees created within the Commission will be governed by the guidelines dictated by the Commission.

Article 2-Voting

1. The Commission shall first attempt to reach a consensus for purposes of decision making, in lieu of a formal vote.
2. If consensus is not achieved, the Commission shall adopt its decisions by majority vote, representing a majority of the members of the United States Section, including the vote of the Secretary of Health and Human Services or the Secretary's delegate, and a majority of the members of the Mexico Section, including the vote of the Secretary of Health or the Secretary's delegate (Article 6, Section 5 of the Agreement).
3. United States state health officers and Mexican Commission members may designate in writing their alternate to the Commission, who shall have a voice and voting rights.
4. The vote of the members of the Commission is obligatory for the decision-making process of the Commission. The vote can be in favor, against or by means of abstention.
5. If a vote taken results in a tie, a second vote shall be taken. If a second vote results in a tie, the matter fails for a lack of majority.
6. Standing or ad hoc committees shall submit their recommendations to the Commission for approval consistent with voting procedures established in the Bylaws.

Article 3-Records

The Commission shall keep files of its official documents.

Article 4-Guidelines

The United States and Mexico Sections shall each develop and approve their internal operational and administrative guidelines, based on the legislation and regulations in force in their respective countries.

Article 5-Commission's Outreach Offices

The Commission may establish border state outreach offices.

Article 6-Official Communications

Official communications between the United States and Mexico Sections shall be in written form; in English for the United States Section and in Spanish for the Mexico Section.

Article 7- Information Systems

1. The Commission shall develop information systems and acquire the necessary personnel, infrastructure and equipment in order to gather, assess and disseminate health-related data for the border region. The Commission shall work with the appropriate federal, state and local agencies that are responsible for data collection in both countries, as well as academic and research organizations.
2. The Commission shall establish guidelines for users of its information systems.
3. The Commission shall acquire the necessary support personnel and equipment to disseminate information to the general public and health professionals, with reference to the Geographic Information System (GIS), web pages, publications and use of technologies.

Article 8-Financing

1. The Commission's activities shall be subject to the availability of funds and resources provided by the Governments of the United States and Mexico. (Article 7, Section 1 of the Agreement).
2. The Commission's activities may be financed jointly by the Parties or solely by either Party. (Article 7, Section 2 of the Agreement).
3. The Commission may receive additional financial resources from other public or private entities interested in public health, in accordance with applicable law.

Article 9-Administration of Funds

1. The Commission shall administer funds provided by the Governments of United States and Mexico and by other sources.
2. The Commission may establish separate or joint bank accounts as best meets the Commission's requirements in which the Governments of the United States and Mexico shall deposit funds for its operation.
3. The Commission shall establish appropriate fiscal controls to govern the receipt and expenditure of funds, according to generally accepted accounting principles.
4. The Commission shall approve its annual work plan and budget.
5. The Commission shall include a financial statement in the Annual Report to the Governments of the United States and Mexico.
6. The Commission shall audit its funds annually.

Article 10-Human Resources

1. The Executive Secretary and the Executive Director shall each employ and manage the personnel necessary to carry out the work of the Commission.
2. The work of the personnel employed by the Commission shall be consistent with the provisions of the Agreement, Bylaws and each section's operational guidelines.
3. Personnel employed by the Governments of the United States, Mexico and the border states of both countries may be assigned to the Commission and shall comply with these Bylaws.
4. The administrative personnel and employees of both the United States and Mexico Sections will be subject to the labor rules and regulations that exist in their respective countries.

Article 11-Material Resources

1. The Commission, as a legal entity, can acquire tangible and intangible property (excluding real property), to carry out its activities.
2. The Commission's property (valued at \$500.00 or more) shall be administratively registered, inventoried and controlled by the Executive Director and the Executive Secretary.
3. The Commission shall retain ownership of all property loaned to other entities, who shall agree to this arrangement in writing. At the conclusion of a Commission-sponsored project, the Commission shall determine the disposition of the loaned property.
4. Once the functions of the Commission have concluded, the Parties shall determine the disposition of property acquired during its performance.

Article 12-Contracting

1. The Commission shall possess juridical personality, and in particular, full capacity to contract for advisory, research and support services (Article 8, Section 2 of the Agreement)
2. The Executive Director and the Executive Secretary shall carry out all contracting, as guided by Commission policy; and
3. The contracting of services in the United States and Mexico shall comply with the legislation and regulations of the country where the services are being contracted.

Article 13-Import of Materials and Equipment

1. Each Party shall, in accordance with its laws and regulations, facilitate the prompt and efficient entry into and exit from its territory of equipment and materials to be used in connection with activities of the Commission. The Parties may conclude arrangements for particular Commission activities which shall address, as appropriate, procedures for the transfer of equipment and funds, and other relevant issues (Article 8, Section 3 of the Agreement).
2. The Executive Director and the Executive Secretary shall make the arrangements for the importation of funds, materials and equipment to their respective countries.

CHAPTER IV

Legal Status

Article 1-Status as a Legal Entity

1. The activities of the Commission shall conform to all laws and regulations in effect in the territory in which they are performed (Article 8, Section 1 of the Agreement).
2. In accordance with Article 8 of the Agreement, the Commission is a legal entity that can contract for services and possesses all the other related capabilities required to exercise legal personality.

CHAPTER V

Technical and Legal Advice

Article 1- Technical Advice

The United States and Mexico Sections may consult with interagency groups

involved in health in their respective countries and consultants in different technical matters as needed.

Article 2-Legal Advice

The Commission may consult with legal institutions of each country or with specialized professionals accordingly.

CHAPTER VI

General Provisions

Article 1-Headquarters

The headquarters of the Commission shall be located in El Paso, Texas.

Article 2-Languages

1. The Commission's official languages shall be English and Spanish.
2. The Commission shall offer translation services during all the official events of this organization, and publish its documents in both languages.

Article 3- Fiscal Year

The Commission Fiscal Year shall be October 1st of each year to September 30 of the next year.

Article 4- Currency

The currency to be used in the Commission's operations shall be U.S. dollars in the United States and Mexican pesos in Mexico.

Article 5- Amendments

The Commission's Bylaws can be modified by majority vote of the Commission, according to Chapter III, Article 2 of these Bylaws.

Article 6- Dispute Settlement

Any disputes concerning the interpretation or application of this agreement shall be settled through negotiation between the Parties (Article 11 of the Agreement).

Article 7-Termination

1. The United States and Mexican Governments can cancel the binational Agreement and the Commission's operation through written notification 90 days prior to the termination of the Agreement's period of operation (Article 12 of the Agreement).
2. In the case of the Commission's termination, the projects that have already started will continue until they are completed, unless there is specific agreement to terminate them by both Governments (Article 12, Section 4 of the Agreement).

The Commission's Bylaws were approved on February 6, 2003, and will be in force beginning on February 6, 2003.

Amendments were approved by consensus on April 12, 2003.