

“(i) for fiscal year 2025—

“(I) \$8,000,000 for construction of the debris screen described in subparagraph (A)(i); and

“(II) not less than \$1,000,000 for the operation and maintenance of the debris screen described in subparagraph (A)(i); and

“(ii) not less than \$1,000,000 for each of fiscal years 2026 through 2029 for the operation and maintenance of the debris screen described in subparagraph (A)(i).

“(5) LIMITATION OF CLAIMS.—Chapter 171 and section 1346(b) of title 28, United States Code (commonly known as the ‘Federal Tort Claims Act’), shall not apply to any claim arising from the activities of the Commission in carrying out this subsection, including any claim arising from damages that result from overflow of the International Outfall Interceptor due to excess inflow to the International Outfall Interceptor originating from Nogales, Sonora, Mexico.

“(c) INTERNATIONAL TREATY.—Not later than six months after the date of enactment of this section [Dec. 22, 2023], the Commission shall seek to initiate negotiations with Mexico for a new Treaty Minute or a modification of Treaty Minute 227 to address, at a minimum, the following:

“(1) Joint operation and maintenance responsibilities of the International Outfall Interceptor.

“(2) Capacity usage of wastewater flows from the United States and Mexico through the International Outfall Interceptor.

“(3) Payment for excess wastewater flows through the International Outfall Interceptor emanating from the Nogales, Sonora, Mexico area.

“(4) Any terms and conditions considered necessary to support proportional use and maintenance of the International Outfall Interceptor.

“(d) REPORT.—Not later than one year after the date of enactment of this section [Dec. 22, 2023], and each year thereafter, the Commission shall submit to the Committee on Foreign Relations of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

“(1) an operation and maintenance plan, or a description of the status of such plan, developed by the Commission and other relevant agencies, for the debris screen required under subsection (b)(4)(A);

“(2) a description of any operation and maintenance issues of the Nogales sanitation project, including relating to transnational criminal activity;

“(3) an update on efforts by the Commission to renegotiate an existing Treaty Minute or develop a new Treaty Minute pursuant to subsection (c); and

“(4) an accounting of all outstanding or overdue payments from Mexico or the City for the processing and conveyance of wastewater through the Nogales sanitation project.”

§ 277d-11. Authorization of appropriations; availability of prior appropriations; use of moneys received

There is authorized to be appropriated to the United States section, International Boundary and Water Commission, United States and Mexico, such sums as may be necessary to defray such costs as may accrue to the United States arising out of any such agreement for the operation and maintenance of such project: *Provided*, That funds heretofore appropriated to the Department of State under the heading “International Boundary and Water Commission, United States and Mexico”, shall be available for expenditure for the purposes of this section and section 277d-10 of this title: *Provided further*, That any moneys received from the United Mexican States under the terms of any such agreement shall be available for expenditure in connection with any appropriations which may

be available or which may be made for the purposes of said sections: *And provided further*, That moneys received from the city of Nogales, Arizona, pursuant to the provisions of said sections shall be available for expenditure in connection with any appropriations which may be available or which may be made available for the purposes of said sections.

(July 27, 1953, ch. 242, § 2, 67 Stat. 195.)

§ 277d-12. Expenditures for flood fighting, rescue operations, repairs or restoration of flood control or sanitation works threatened or destroyed by floodwaters of Rio Grande, Colorado, or Tijuana Rivers

On and after June 20, 1956, in addition to the funds available under the appropriation “Rio Grande emergency flood protection”, the United States Commissioner is authorized to expend from any appropriation available to the International Boundary and Water Commission, United States and Mexico, American Section, such sums as may be necessary for prosecution of emergency flood fighting and rescue operations, repairs or restoration of any flood control or sanitation works threatened or destroyed by floodwaters of the Rio Grande, the Colorado or Tijuana Rivers, or other streams running across or near the boundary, and for taking emergency actions, consistent with the emergency provisions of the Safe Drinking Water Act [42 U.S.C. 300f et seq.], to protect against health threatening surface and ground water pollution problems along the United States-Mexico boundary.

(June 20, 1956, ch. 414, title I, 70 Stat. 302; Pub. L. 101-246, title IV, § 412(a), Feb. 16, 1990, 104 Stat. 69; Pub. L. 103-236, title IV, § 423(b), Apr. 30, 1994, 108 Stat. 457.)

Editorial Notes

REFERENCES IN TEXT

The Safe Drinking Water Act, referred to in text, is title XIV of act July 1, 1944, as added Dec. 16, 1974, Pub. L. 93-523, § 2(a), 88 Stat. 1660, which is classified generally to subchapter XII (§ 300f et seq.) of chapter 6A of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 201 of Title 42 and Tables.

AMENDMENTS

1994—Pub. L. 103-236 substituted “Tijuana Rivers, or other streams running across or near the boundary, and for taking emergency actions, consistent with the emergency provisions of the Safe Drinking Water Act, to protect against health threatening surface and ground water pollution problems along the United States-Mexico boundary” for “Tijuana Rivers, and for taking emergency actions to protect against health threatening sanitation problems by repairing or replacing existing capital infrastructure along the United States-Mexico Boundary”.

1990—Pub. L. 101-246 inserted “or sanitation” after “flood control” and inserted before period at end “, the Colorado or Tijuana Rivers, and for taking emergency actions to protect against health threatening sanitation problems by repairing or replacing existing capital infrastructure along the United States-Mexico Boundary”.