

ical property or the construction of others in lieu thereof or he may compensate the owners thereof to the extent of the reasonable value thereof as the same may be agreed upon by the American Commissioner with such owner.

The Secretary of State acting through such officers as he may designate, is further authorized to consider, adjust, and pay from funds appropriated for the project, the construction of which resulted in damages, any claim for damages accruing after March 31, 1937, caused to owners of lands or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of any project constructed or administered through the American Commissioner, International Boundary and Water Commission, United States and Mexico, if such claim for damages does not exceed \$1,000 and has been filed with the American Commissioner within one year after the damage is alleged to have occurred, and when in the opinion of the American Commissioner such claim is substantiated by a report of a board appointed by the said Commissioner.

(Aug. 27, 1935, ch. 763, 49 Stat. 906; June 19, 1939, ch. 212, 53 Stat. 841; Oct. 31, 1951, ch. 654, § 2(15), 65 Stat. 707; Pub. L. 85-201, Aug. 28, 1957, 71 Stat. 475.)

Editorial Notes

CODIFICATION

In text, “chapters 1 to 11 of title 40 and division C (except sections 3302, 3306(f), 3307(e), 3501(b), 3509, 3906, 4104, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949, as amended” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

1957—Pub. L. 85-201 struck out “to citizens of the United States” after “is authorized to lease” and “to American citizens” after “or to dispose of such lands” in first sentence of first paragraph, before first proviso.

1951—Act Oct. 31, 1951, inserted reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended, in text before first proviso of first paragraph.

1939—Act June 19, 1939, inserted last paragraph.

§ 277f. Valley Gravity Canal and Storage Project

The Secretary of State, with the approval of the President, shall designate the features of the Valley Gravity Canal and Storage Project which he deems international in character, and shall direct such changes in the general project plan as he deems advisable with respect to such features; and the features so designated shall be built, after consultation with the Bureau of Reclamation as to general design, by the American section of the International Boundary Commission, United States and Mexico, and shall be operated and maintained by said Commission insofar as their operation and maintenance in such manner is, in the opinion of the Secretary of State, necessary because of their international character. The construction, operation, and maintenance of such project shall be pursuant

to the Federal reclamation laws, except as hereinbefore provided and except that—

(1) In addition to the nonreimbursable allocation to flood control or navigation which may be made by the Secretary of the Interior under section 485h(b) of title 43, the President, after consultation with the Secretary of State and the Secretary of the Interior, shall allocate such part of the total estimated cost of the project as he deems proper to the protection of American interests from drought hazards resulting from the uncontrolled and unregulated flow of the international portion of the Rio Grande below Old Fort Quitman, Texas. Provisions of law applicable with respect to allocations to flood control under section 485h(b) of title 43, shall, insofar as they are not inconsistent with the foregoing provisions, be applicable in like manner with respect to any allocation made under this subparagraph; and

(2) All revenues received by the United States in connection with the construction, operation, and maintenance of such projects shall be covered into the Treasury as miscellaneous receipts.

(June 28, 1941, ch. 259, 55 Stat. 338.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

International Boundary Commission, United States and Mexico, American section, to which powers, duties, and functions of International Water Commission, United States and Mexico, American section, were transferred by act June 30, 1932, ch. 314, pt. II, title V, § 510, 47 Stat. 417, reconstituted as International Boundary and Water Commission by Water Treaty of 1944.

§ 277g. Agreements to correct pollution of Rio Grande

(a) In general

The Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico (hereafter in sections 277g to 277g-3 of this title referred to as the “Commissioner”), is authorized to conclude agreements with the appropriate representative of the Ministry of Foreign Relations of Mexico for the purpose of correcting the international problem of pollution of the Rio Grande caused by discharge of raw and inadequately treated sewage and other wastes into such river from the border cities including but not limited to Ciudad Acuna, Nuevo Laredo, and Reynosa, Mexico, and Del Rio, Laredo, and Hidalgo, Texas.

(b) Content of agreements

Agreements concluded under subsection (a) should consist of recommendations to the Governments of the United States and Mexico of measures to protect the health and welfare of persons along the Rio Grande from the effects of pollution, including—

(1) facilities that should be constructed, operated, and maintained in each country;

(2) estimates of the cost of plans, construction, operation, and maintenance of the facilities referred to in paragraph (1);

(3) formulas for the initial division between the United States and Mexico of the cost of

plans, constructions, operation, and maintenance of the facilities referred to in paragraph (1);

(4) a method for review and adjustment of the formulas referred to in paragraph (3) at intervals of five years which recognizes that such initial formulas should not be used as a precedent in their subsequent review and adjustment; and

(5) dates for the beginning and completion of construction of the facilities referred to in paragraph (1).

(Pub. L. 100-465, § 2, Oct. 3, 1988, 102 Stat. 2272.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 100-465, § 1, Oct. 3, 1988, 102 Stat. 2272, provided that: “This Act [enacting this section and sections 277g-1 to 277g-3 of this title] may be cited as the ‘Rio Grande Pollution Correction Act of 1987.’”

§ 277g-1. Authority of Secretary of State to plan, construct, operate, and maintain facilities

The Secretary of State, acting through the Commissioner, is authorized to act jointly with the appropriate representative of the Government of Mexico and to—

- (1) supervise the planning of, and
- (2) supervise construction, operation, and maintenance of,

the facilities recommended in agreements concluded pursuant to section 277g of this title and approved by the Governments of the United States and Mexico.

(Pub. L. 100-465, § 3, Oct. 3, 1988, 102 Stat. 2272.)

§ 277g-2. Consultation with Administrator of Environmental Protection Agency and other authorities

The Secretary of State shall consult with the Administrator of the Environmental Protection Agency and other concerned Federal, State, and local government officials in implementing sections 277g to 277g-3 of this title.

(Pub. L. 100-465, § 4, Oct. 3, 1988, 102 Stat. 2273.)

§ 277g-3. Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary for the United States to fund its share of the cost of the plans, construction, operation, and maintenance of the facilities recommended in agreements concluded pursuant to section 277g of this title and approved by the Governments of the United States and Mexico.

(Pub. L. 100-465, § 5, Oct. 3, 1988, 102 Stat. 2273.)

§ 277h. Authority of the International Boundary and Water Commission to assist State and local governments

(a) Authority

The Commissioner of the United States section of the International Boundary and Water Commission may provide technical tests, evaluations, information, surveys, or others¹ similar

services to State or local governments upon the request of such State or local government on a reimbursable basis.

(b) Reimbursements

Reimbursements shall be paid in advance of the goods or services ordered and shall be for the estimated or actual cost as determined by the United States section of the International Boundary and Water Commission. Proper adjustment of amounts paid in advance shall be made as determined by the United States section of the International Boundary and Water Commission on the basis of the actual cost of goods or services provided. Reimbursements received by the United States section of the International Boundary and Water Commission for providing services under this section shall be credited to the appropriation from which the cost of providing the services is charged.

(Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title VII, § 702], Nov. 29, 1999, 113 Stat. 1536, 1501A-459.)

§ 277i. Report on water sharing

Not later than 120 days after February 7, 2014, and annually thereafter, the Secretary of State shall submit to Congress a report on efforts by Mexico to meet its treaty deliveries of water to the Rio Grande in accordance with the Treaty between the United States and Mexico Respecting Utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande (done at Washington, February 3, 1944).

(Pub. L. 113-79, title XII, § 12310, Feb. 7, 2014, 128 Stat. 991.)

§ 277j. Management of international transboundary water pollution

In fiscal year 2023 and in each fiscal year thereafter—

(a) The Administrator of the Environmental Protection Agency (the “Administrator”) may transfer amounts made available under the heading “Environmental Protection Agency—State and Tribal Assistance Grants” in the USMCA Supplemental Appropriations Act, 2019 (title IX of Public Law 116-113) to the International Boundary and Water Commission, United States and Mexico (the “Commission”), by entering into an interagency agreement or by awarding a grant, to support the construction of treatment works (as that term is defined in section 1292(2) of title 33), that will be owned or operated by the Commission: *Provided*, That the Commission shall, in consultation with the Administrator and subject to the requirements of sections 1372 and 1388 of title 33, use amounts transferred pursuant to this section for general, administrative, or other costs (including construction management) related to the planning, study, design, and construction, of treatment works that, as determined by the Commissioner of the Commission, will—

(1) protect residents in the United States-Mexico border region from water pollution resulting from—

(A) transboundary flows of wastewater, stormwater, or other international transboundary water flows originating in Mexico; and

¹ So in original. Probably should be “other”.