

subject to (1) the approval of the proper authorities in the foreign country concerned; (2) the provisions of sections 491 to 494 and 495 to 498 of this title, except section 496 of this title, whether or not such bridge is to be built across or over any of the navigable waters of the United States; and (3) of the provisions of this subchapter.

(Pub. L. 92-434, §2, Sept. 26, 1972, 86 Stat. 731.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 92-434, §1, Sept. 26, 1972, 86 Stat. 731, provided: “That this Act [enacting this subchapter and amending section 129 of Title 23, Highways] may be cited as the ‘International Bridge Act of 1972.’”

§ 535a. Congressional consent to State agreements with Canada and Mexico; Secretary of State’s approval of agreements

The consent of Congress is hereby granted for a State or a subdivision or instrumentality thereof to enter into agreements—

- (1) with the Government of Canada, a Canadian Province, or a subdivision or instrumentality of either, in the case of a bridge connecting the United States and Canada, or
- (2) with the Government of Mexico, a Mexican State, or a subdivision or instrumentality of either, in the case of a bridge connecting the United States and Mexico,

for the construction, operation, and maintenance of such bridge in accordance with the applicable provisions of this subchapter. The effectiveness of such agreement shall be conditioned on its approval by the Secretary of State.

(Pub. L. 92-434, §3, Sept. 26, 1972, 86 Stat. 731.)

§ 535b. Presidential approval; recommendations of Federal officials

No bridge may be constructed, maintained, and operated as provided in section 535 of this title unless the President has given his approval thereto. In the course of determining whether to grant such approval, the President shall secure the advice and recommendations of (1) the United States section of the International Boundary and Water Commission, United States and Mexico, in the case of a bridge connecting the United States and Mexico, and (2) the heads of such departments and agencies of the Federal Government as he deems appropriate to determine the necessity for such bridge.

(Pub. L. 92-434, §4, Sept. 26, 1972, 86 Stat. 731.)

§ 535c. Approval of Secretary; commencement and completion requirements; extension of time limits

The approval of the Secretary of the department in which the Coast Guard is operating, as required by section 491 of this title, shall be given only subsequent to the President’s approval, as provided for in section 535b of this title, and shall be null and void unless the construction of the bridge is commenced within two years and completed within five years from the date of the Secretary’s approval: *Provided, however*, That the Secretary, for good cause shown,

may extend for a reasonable time either or both of the time limits herein provided.

(Pub. L. 92-434, §5, Sept. 26, 1972, 86 Stat. 732; Pub. L. 114-120, title III, §306(b)(6)(A), Feb. 8, 2016, 130 Stat. 56.)

Editorial Notes

AMENDMENTS

2016—Pub. L. 114-120 substituted “Secretary of the department in which the Coast Guard is operating” for “Secretary of Transportation”.

§ 535d. Permitting for international bridges

(a) Definitions

In this section:

(1) Eligible applicant

The term “eligible applicant” means an entity that has submitted an application for a Presidential permit during the period beginning on December 1, 2020, and ending on December 31, 2024, for any of the following:

- (A) 1 or more international bridges in Webb County, Texas.
- (B) An international bridge in Cameron County, Texas.
- (C) An international bridge in Maverick County, Texas.

(2) Presidential permit

(A) In general

The term “Presidential permit” means—

- (i) an approval by the President to construct, maintain, and operate an international bridge under section 535b of this title; or
- (ii) an approval by the President to construct, maintain, and operate an international bridge pursuant to a process described in Executive Order 13867 (84 Fed. Reg. 15491; relating to Issuance of Permits With Respect to Facilities and Land Transportation Crossings at the International Boundaries of the United States) (or any successor Executive Order).

(B) Inclusion

The term “Presidential permit” includes an amendment to an approval described in clause (i) or (ii) of subparagraph (A).

(3) Secretary

The term “Secretary” means the Secretary of State.

(b) Application

An eligible applicant for a Presidential permit to construct, maintain, and operate an international bridge shall submit an application for the permit to the Secretary.

(c) Recommendation

(1) In general

Not later than 60 days after the date on which the Secretary receives an application under subsection (b), the Secretary shall make a recommendation to the President—

- (A) to grant the Presidential permit; or
- (B) to deny the Presidential permit.

(2) Consideration

The basis for a recommendation under paragraph (1) shall be whether the international

bridge is in the foreign policy interests of the United States.

(d) Presidential action

(1) In general

The President shall grant or deny the Presidential permit for an application under subsection (b) by not later than 60 days after the earlier of—

(A) the date on which the Secretary makes a recommendation under subsection (c)(1); and

(B) the date on which the Secretary is required to make a recommendation under subsection (c)(1).

(2) No action

(A) In general

Subject to subparagraph (B), if the President does not grant or deny the Presidential permit for an application under subsection (b) by the deadline described in paragraph (1), the Presidential permit shall be considered to have been granted as of that deadline.

(B) Requirement

As a condition on a Presidential permit considered to be granted under subparagraph (A), the eligible applicant shall complete all applicable environmental documents required pursuant to Public Law 91-190 (42 U.S.C. 4321 et seq.).

(e) Document requirements

Notwithstanding any other provision of law, the Secretary shall not require an eligible applicant for a Presidential permit—

(1) to include in the application under subsection (b) environmental documents prepared pursuant to Public Law 91-190 (42 U.S.C. 4321 et seq.); or

(2) to have completed any environmental review under Public Law 91-190 (42 U.S.C. 4321 et seq.) prior to the President granting a Presidential permit under subsection (d).

(f) Rules of construction

Nothing in this section—

(1) prohibits the President from granting a Presidential permit conditioned on the eligible applicant completing all environmental documents pursuant to Public Law 91-190 (42 U.S.C. 4321 et seq.) and complying with relevant laws;

(2) prohibits the Secretary from requesting a list of all permits and approvals from Federal, State, and local agencies that the eligible applicant believes are required in connection with the international bridge, or a brief description of how those permits and approvals will be acquired prior to making a recommendation to the President;

(3) exempts an eligible applicant from the requirement to complete all environmental documents pursuant to Public Law 91-190 (42 U.S.C. 4321 et seq.) prior to construction of an international bridge; or

(4) exempts an eligible applicant from complying with Public Law 91-190 (42 U.S.C. 4321 et seq.) or any other law.

(Pub. L. 92-434, § 6, as added Pub. L. 118-31, div. E, title LIV, § 5414, Dec. 22, 2023, 137 Stat. 954.)

Editorial Notes

REFERENCES IN TEXT

Executive Order 13867, referred to in subsec. (a)(2)(A)(ii), is Ex. Ord. No. 13867, Apr. 10, 2019, 84 F.R. 15491, which is set out as a note under section 301 of Title 3, The President.

Public Law 91-190, referred to in subsecs. (d)(2)(B), (e), and (f), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, known as the National Environmental Policy Act of 1969, which is classified generally to chapter 55 (§ 4321 et seq.) 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 4321 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 535d, Pub. L. 92-434, § 6, Sept. 26, 1972, 86 Stat. 732, directed that tolls charged for use of an international bridge constructed or acquired under this subchapter by private individual, company, or other private entity be collected for a reasonable period for amortization of construction or acquisition costs, plus interest and reasonable return, that at end of such period the United States portion of bridge become the property of the State having jurisdiction over such United States portion, and that accurate records on expenditures and tolls collected be kept and annually reported to Secretary of Transportation, with authority for Secretary to conduct audits, prior to repeal by Pub. L. 100-17, title I, § 135(g), Apr. 2, 1987, 101 Stat. 174.

§ 535e. Ownership

(a) Sale, assignment, or transfer; approval of Secretary

Nothing in this subchapter shall be deemed to prevent the individual, corporation, or other entity to which, pursuant to this subchapter, authorization has been given to construct, operate, and maintain an international bridge and the approaches thereto, from selling, assigning, or transferring the rights, powers, and privileges conferred by this subchapter: *Provided*, That such sale, assignment, or transfer shall be subject to approval by the Secretary of the department in which the Coast Guard is operating.

(b) State status of original applicant upon acquisition of right, title, and interest after termination of private entity licenses, contracts, or orders

Upon the acquisition by a State or States, or by a subdivision or instrumentality thereof, of the right, title, and interest of a private individual, corporation, or other private entity, in and to an international bridge, any license, contract, or order issued or entered into by the Secretary of the department in which the Coast Guard is operating, to or with such private individual, corporation, or other private entity, shall be deemed terminated forthwith. Thereafter, the State, subdivision, or instrumentality so acquiring shall operate and maintain such bridge in the same manner as if it had been the original applicant, and the provisions of section 535d¹ of this title shall not apply.

(Pub. L. 92-434, § 8, Sept. 26, 1972, 86 Stat. 732; Pub. L. 114-120, title III, § 306(b)(6)(B), Feb. 8, 2016, 130 Stat. 56.)

¹ See References in Text note below.