

capacity. The members of the board shall not be required to furnish bond, and no additional compensation shall accrue to any of them on account of their duties as trustees. Within the limits prescribed by sections 276bb to 276dd of this title, the administration, control, and expenditure of this fund and its application to the purposes intended shall be according to the sole discretion of the board, and the exercise of its discretion and authority in regard thereto and its decisions thereon, including any payments made or authorized by it to be made from the Kermit Roosevelt fund, shall not be subject to review except by the Secretary of the Army, to whom the board shall, on the 1st day of January, each year, render a full report of its activities during the preceding twelve months. The actions of the board shall not be subject to judicial review except in an action brought in the United States District Court for the District of Columbia, which is given jurisdiction of such suits, for the purpose of enforcing the provisions of any trust accepted by the board.

(July 2, 1945, ch. 228, § 5, 59 Stat. 317; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

#### CODIFICATION

Section was formerly classified to section 228 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

#### CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

#### SUBCHAPTER IV—INTERNATIONAL BOUNDARY AND WATER COMMISSION

### § 277. International Boundary Commission, United States and Mexico; study of boundary waters

The President is authorized to designate the American Commissioner on the International Boundary Commission, United States and Mexico, or other Federal agency, to cooperate with a representative or representatives of the Government of Mexico in a study regarding the equitable use of the waters of the lower Rio Grande and the lower Colorado and Tia Juana Rivers, for the purpose of obtaining information which may be used as a basis for the negotiation of a treaty with the Government of Mexico relative to the use of the waters of these rivers and to matters closely related thereto. On completion of such study the results shall be reported to the Secretary of State.

(May 13, 1924, ch. 153, § 1, 43 Stat. 118; Mar. 3, 1927, ch. 381, § 1, 44 Stat. 1403; Aug. 19, 1935, ch. 561, 49 Stat. 660.)

#### AMENDMENTS

1935—Act Aug. 19, 1935, created the International Boundary Commission to take the place of the three special commissioners.

1927—Act Mar. 3, 1927, provided for a study of Tia Juana River in addition to the lower Rio Grande and Colorado Rivers.

#### 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.

#### SHORT TITLE

Pub. L. 100-465, Oct. 3, 1988, 102 Stat. 2272, which enacted sections 277g to 277g-3 of this title, is known as the Rio Grande Pollution Correction Act of 1987. For complete classification of this Act to the Code, see Short Title note set out under section 277g of this title and Tables.

Pub. L. 92-549, Oct. 25, 1972, 86 Stat. 1161, which enacted sections 277d-34 to 277d-42 of this title, is known as the American-Mexican Boundary Treaty Act of 1972. For complete classification of this Act to the Code, see Short Title note set out under section 277d-34 of this title and Tables.

Pub. L. 88-300, Apr. 29, 1964, 78 Stat. 184, which enacted sections 277d-17 to 277d-25 of this title, is known as the American-Mexican Chamizal Convention Act of 1964. For complete classification of this Act to the Code, see Short Title note set out under section 277d-17 of this title and Tables.

Act Sept. 13, 1950, ch. 948, 64 Stat. 846, which enacted sections 277d-1 to 277d-9 of this title, is known as the American-Mexican Treaty Act of 1950. For complete classification of this Act to the Code, see Short Title note set out under section 277d-1 of this title and Tables.

#### REPEALS

Act Mar. 3, 1927, cited as a credit to this section, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 647.

#### ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in various international organizations were contained in acts listed in a note set out under section 269a of this title.

### § 277a. Investigations of commission; construction of works or projects

The Secretary of State, acting through the American Commissioner, International Boundary Commission, United States and Mexico, is further authorized to conduct technical and other investigations relating to the defining, demarcation, fencing, or monumentation of the land and water boundary between the United States and Mexico, to flood control, water resources, conservation, and utilization of water, sanitation and prevention of pollution, channel rectification, stabilization, drainage of transboundary storm waters, and other related matters upon the international boundary between the United States and Mexico; and to construct and maintain fences, monuments and other demarcations of the boundary line between the United States and Mexico, and sewer systems, water systems, and electric light, power and gas systems crossing the international border, and to continue such work and operations through the American Commissioner as are now in progress and are authorized by law.

The President is authorized and empowered to construct, operate, and maintain on the Rio

Grande River below Fort Quitman, Texas, any and all works or projects which are recommended to the President as the result of such investigations and by the President are deemed necessary and proper.

(May 13, 1924, ch. 153, §2, 43 Stat. 118; Mar. 3, 1927, ch. 381, §2, 44 Stat. 1403; Aug. 19, 1935, ch. 561, 49 Stat. 660; Pub. L. 101-246, title IV, §412(b)(2), Feb. 16, 1990, 104 Stat. 70.)

#### AMENDMENTS

1990—Pub. L. 101-246 inserted reference to drainage of transboundary storm waters.

1935—Act Aug. 19, 1935, amended section generally.

1927—Act Mar. 3, 1927, increased appropriation from \$20,000 to \$50,000.

#### 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.

#### REPEALS

Act Mar. 3, 1927, cited as a credit to this section, was repealed by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 647.

#### WATER RESOURCES PLANNING

Jurisdiction, powers, or prerogatives of the International Boundary and Water Commission, United States and Mexico, unaffected by Water Resources Planning Act, see section 1962-1 of Title 42, The Public Health and Welfare.

### § 277b. Works or projects under treaty

#### (a) Construction, operation, maintenance, and supervision; sewage interceptor system

The President is further authorized (1) to construct any project or works which may be provided for in a treaty entered into with Mexico and to repair, protect, maintain, or complete works now existing or now under construction or those that may be constructed under the treaty provisions aforesaid; and to construct any project or works designed to facilitate compliance with the provisions of treaties between the United States and Mexico; (2) to operate and maintain any project or works so constructed or, subject to such rules and regulations for continuing supervision by the said American Commissioner or any Federal agency as the President may cause to be promulgated, to turn over the operation and maintenance of such project or works to any Federal agency, or any State, county, municipality, district, or other political subdivision within which such project or works may be in whole or in part situated, upon such terms, conditions, and requirements as the President may deem appropriate; and (3) to carry out preliminary surveys, operations, and maintenance of the interceptor system constructed to intercept sewage flows from Tijuana from selected canyon areas.

#### (b) Rio Grande bank protection project

Expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions made with respect to that

project in the first undesignated paragraph under the heading "INTERNATIONAL OBLIGATIONS" contained in the Act of April 25, 1945 (59 Stat. 89).

#### (c) Anzalduas diversion dam

The Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of the United States for such portions of the dam as shall have been allocated to such purposes by the Secretary of State.

#### (d) Improvements to Rio Grande Canalization Project

Pursuant to the authority of subsection (a) and in order to facilitate further compliance with the terms of the Convention for Equitable Distribution of the Waters of the Rio Grande, May 21, 1906, United States-Mexico, the Secretary of State, acting through the United States Commissioner of the International Boundary and Water Commission, may make improvements to the Rio Grande Canalization Project, originally authorized by the Act of August 29, 1935 (49 Stat. 961). Such improvements may include all such works as may be needed to stabilize the Rio Grande in the reach between the Percha Diversion Dam in New Mexico and the American Diversion Dam in El Paso.

(May 13, 1924, ch. 153, §3, as added Aug. 19, 1935, ch. 561, 49 Stat. 660; amended Pub. L. 101-246, title IV, §412(b)(1), Feb. 16, 1990, 104 Stat. 70; Pub. L. 104-319, title I, §104, Oct. 19, 1996, 110 Stat. 3866.)

#### REFERENCES IN TEXT

The first undesignated paragraph under the heading "INTERNATIONAL OBLIGATIONS" contained in the Act of April 25, 1945 (59 Stat. 89), referred to in subsec. (b), is not classified to the Code.

#### AMENDMENTS

1996—Subsec. (d). Pub. L. 104-319 added subsec. (d).

1990—Pub. L. 101-246 designated existing provisions as subsec. (a), redesignated cls. (a) and (b) as (1) and (2), respectively, added cl. (3), and added subsecs. (b) and (c).

### § 277c. Agreements with political subdivisions; acquisition of lands

In order to carry out the provisions of sections 277 to 277d of this title, the President, or any Federal agency he may designate is authorized, (a) in his discretion, to enter into agreements with any one or more of said political subdivisions, in connection with the construction of any project or works provided for in paragraph (2) of section 277a and section 277b of this title, under the terms of which agreements there shall be furnished to the United States, gratuitously, except for the examination and approval of titles, the lands or easements in lands necessary for the construction, operation, and maintenance in whole or in part of any such project or works, or for the assumption by one or more of any such political subdivisions making such agreement, of the operation and maintenance of such project or works in whole or in part upon the completion thereof: *Provided, however*, That