

cellation fee, if the owner of the Mexican facility fails to perform the obligations of the owner under the contract.”

Pub. L. 108-425, §1(b)(3), redesignated subpars. (J) and (K) as (L) and (M), respectively. Former subpars. (L) and (M) redesignated (N) and (O), respectively.

Subsec. (c)(2)(N). Pub. L. 108-425, §1(b)(3), (5), redesignated subpar. (L) as (N) and inserted “under applicable law” after “competitive procedures”. Former subpar. (N) redesignated (P).

Subsec. (c)(2)(O) to (R). Pub. L. 108-425, §1(b)(3), redesignated subpars. (M) to (P) as (O) to (R), respectively.

§ 277d-45. New Treaty Minute

(a) Congressional statement

In light of the existing threat to the environment and to public health and safety within the United States as a result of the river and ocean pollution in the San Diego-Tijuana border region, the Secretary is requested to give the highest priority to the negotiation and execution of a new Treaty Minute, or a modification of Treaty Minute 283, consistent with the provisions of sections 277d-43 to 277d-46 of this title, in order that the other provisions of sections 277d-43 to 277d-46 of this title to address such pollution may be implemented as soon as possible.

(b) Negotiation

(1) Initiation

The Secretary is requested to initiate negotiations with Mexico, within 60 days after November 7, 2000, for a new Treaty Minute or a modification of Treaty Minute 283 consistent with the provisions of sections 277d-43 to 277d-46 of this title.

(2) Implementation

Implementation of a new Treaty Minute or of a modification of Treaty Minute 283 under sections 277d-43 to 277d-46 of this title shall be subject to the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) Matters to be addressed

A new Treaty Minute or a modification of Treaty Minute 283 under paragraph (1) should address, at a minimum, the following:

(A) The siting of treatment facilities in Mexico and in the United States.

(B) Provision for the secondary treatment of effluent from the IWTP at a Mexican facility if such treatment is not provided for at a facility in the United States.

(C) Provision for additional capacity for advanced primary and secondary treatment of additional sewage emanating from the Tijuana River area, Mexico, in addition to the treatment capacity for the advanced primary effluent from the IWTP at the Mexican facility.

(D) Provision for any and all approvals from Mexican authorities necessary to facilitate water quality verification and enforcement at the Mexican facility.

(E) Any terms and conditions considered necessary to allow for use in the United States of treated effluent from the Mexican facility, if there is reclaimed water which is surplus to the needs of users in Mexico and

such use is consistent with applicable United States and California law.

(F) Any other terms and conditions considered necessary by the Secretary in order to implement the provisions of sections 277d-43 to 277d-46 of this title.

(c) Implementation

In light of the continuing threat to the environment and to public health and safety within the United States as a result of the river and ocean pollution in the San Diego-Tijuana border region, the Commission is requested to give the highest priority to the implementation of Treaty Minute 311 to the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944, which establishes a framework for the siting of a treatment facility in Mexico to provide for the secondary treatment of effluent from the IWTP at the Mexican facility, to provide for additional capacity for advanced primary and secondary treatment of additional sewage emanating from the Tijuana River area, Mexico, and to meet the water quality standards of Mexico, the United States, and the State of California consistent with the provisions of sections 277d-43 to 277d-46 of this title, in order that the other provisions of sections 277d-43 to 277d-46 of this title to address such pollution may be implemented as soon as possible.

(Pub. L. 106-457, title VIII, §805, Nov. 7, 2000, 114 Stat. 1980; Pub. L. 108-425, §2, Nov. 30, 2004, 118 Stat. 2421.)

Editorial Notes

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (b)(2), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, 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.

AMENDMENTS

2004—Pub. L. 108-425, §2(1), struck out “Negotiation of” before “New” in section catchline.

Subsec. (c). Pub. L. 108-425, §2(2), added subsec. (c).

§ 277d-46. Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to carry out sections 277d-43 to 277d-46 of this title. Such sums shall remain available until expended.

(Pub. L. 106-457, title VIII, §806, Nov. 7, 2000, 114 Stat. 1981; Pub. L. 108-425, §3, Nov. 30, 2004, 118 Stat. 2421.)

Editorial Notes

AMENDMENTS

2004—Pub. L. 108-425 substituted “such sums as may be necessary” for “a total of \$156,000,000 for fiscal years 2001 through 2005”.

§ 277e. Disposal of lands; issuance of licenses for use of lands; compensation for injured property

The Secretary of State is authorized to lease any land heretofore or hereafter acquired under