

117TH CONGRESS
2D SESSION

S. 4548

To provide for the assumption of full ownership and control of the International Outfall Interceptor in Nogales, Arizona, by the International Boundary and Water Commission, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 19, 2022

Ms. SINEMA (for herself and Mr. KELLY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide for the assumption of full ownership and control of the International Outfall Interceptor in Nogales, Arizona, by the International Boundary and Water Commission, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nogales Wastewater
5 Improvement Act of 2022”.

6 **SEC. 2. AMENDMENT TO THE ACT OF JULY 27, 1953.**

7 The first section of the Act of July 27, 1953 (67 Stat.
8 195, chapter 242; 22 U.S.C. 277d–10), is amended by

1 striking the period at the end and inserting “: *Provided*
 2 *further*, That the equitable portion of the Nogales sanita-
 3 tion project for the city of Nogales, Arizona, shall be lim-
 4 ited to the costs directly associated with the treatment and
 5 conveyance of the wastewater of the city and, to the extent
 6 practicable, shall not include any costs directly associated
 7 with the quality or quantity of wastewater originating in
 8 Mexico.”.

9 **SEC. 3. NOGALES SANITATION PROJECT.**

10 (a) DEFINITIONS.—In this section:

11 (1) CITY.—The term “City” means the City of
 12 Nogales, Arizona.

13 (2) COMMISSION.—The term “Commission”
 14 means the United States Section of the Inter-
 15 national Border and Water Commission.

16 (3) INTERNATIONAL OUTFALL INTERCEPTOR.—
 17 The term “International Outfall Interceptor” means
 18 the pipeline that conveys wastewater from the
 19 United States-Mexico border to the Nogales Inter-
 20 national Wastewater Treatment Plant.

21 (4) NOGALES INTERNATIONAL WASTEWATER
 22 TREATMENT PLANT.—The term “Nogales Inter-
 23 national Wastewater Treatment Plant” means the
 24 wastewater treatment plant that—

25 (A) is operated by the Commission;

1 (B) is located in Rio Rico, Santa Cruz
 2 County, Arizona, after manhole 99; and

3 (C) treats sewage and wastewater origi-
 4 nating from—

5 (i) Nogales, Sonora, Mexico; and

6 (ii) Nogales, Arizona.

7 (b) OWNERSHIP AND CONTROL.—

8 (1) IN GENERAL.—Subject to paragraph (2)
 9 and in accordance with authority under the Act of
 10 July 27, 1953 (67 Stat. 195, chapter 242; 22
 11 U.S.C. 277d–10 et seq.), on transfer by donation
 12 from the City of the current stake of the City in the
 13 International Outfall Interceptor to the Commission,
 14 the Commission shall enter into such agreements as
 15 are necessary to assume full ownership and control
 16 over the International Outfall Interceptor.

17 (2) AGREEMENTS REQUIRED.—The Commission
 18 shall assume full ownership and control over the
 19 International Outfall Interceptor under paragraph
 20 (1) after all applicable governing bodies in the State
 21 of Arizona, including the City, have—

22 (A) signed memoranda of understanding
 23 granting to the Commission access to existing
 24 easements for a right of entry to the Inter-

national Outfall Interceptor for the life of the
International Outfall Interceptor;

(B) entered into an agreement with respect
to the flows entering the International Outfall
Interceptor that are controlled by the City; and

(C) agreed to work in good faith to expedi-
tiously enter into such other agreements as are
necessary for the Commission to operate and
maintain the International Outfall Interceptor.

(c) OPERATIONS AND MAINTENANCE.—

(1) IN GENERAL.—Beginning on the date on
which the Commission assumes full ownership and
control of the International Outfall Interceptor
under subsection (b)(1), but subject to subsection
(e), the Commission shall be responsible for the op-
erations and maintenance of the International Out-
fall Interceptor.

(2) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Com-
mission to carry out this subsection, to remain avail-
able until expended—

(A) \$4,400,000 for fiscal year 2023; and

(B) not less than \$2,500,000 for fiscal
year 2024 and each fiscal year thereafter.

(d) DEBRIS SCREEN.—

1 (1) DEBRIS SCREEN REQUIRED.—

2 (A) IN GENERAL.—The Commission shall
3 construct, operate, and maintain a debris screen
4 at Manhole One of the International Outfall In-
5 terceptor for intercepting debris and drug bun-
6 dles coming to the United States from Nogales,
7 Sonora, Mexico.

8 (B) REQUIREMENT.—In constructing and
9 operating the debris screen under subparagraph
10 (A), the Commission and the Commissioner of
11 U.S. Customs and Border Protection shall co-
12 ordinate—

13 (i) the removal of drug bundles and
14 other illicit goods caught in the debris
15 screen; and

16 (ii) other operations at the Inter-
17 national Outfall Interceptor that require
18 coordination.

19 (2) AUTHORIZATION OF APPROPRIATIONS.—
20 There are authorized to be appropriated to the Com-
21 mission, to remain available until expended—

22 (A) \$11,900,000 for fiscal year 2023 for
23 construction of the debris screen described in
24 paragraph (1)(A); and

1 (B) \$2,200,000 for fiscal year 2024 and
2 each fiscal year thereafter for the operations
3 and maintenance of the debris screen described
4 in paragraph (1)(A).

5 (e) LIMITATION OF CLAIMS.—Chapter 171 and sec-
6 tion 1346(b) of title 28, United States Code (commonly
7 known as the “Federal Tort Claims Act”), shall not apply
8 to any claim arising from the activities of the Commission
9 in carrying out this section, including any claim arising
10 from damages that result from overflow of the Inter-
11 national Outfall Interceptor due to excess inflow to the
12 International Outfall Interceptor originating from
13 Nogales, Sonora, Mexico.

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