

118TH CONGRESS
2D SESSION

S. 5075

To provide for the water quality restoration of the Tijuana River and the New River, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2024

Mr. PADILLA (for himself and Ms. BUTLER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide for the water quality restoration of the Tijuana River and the New River, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Border Water Quality Restoration and Protection Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—TIJUANA RIVER PUBLIC HEALTH AND WATER QUALITY
RESTORATION

- Sec. 101. Findings; purpose.
 Sec. 102. Definitions.
 Sec. 103. Tijuana River Public Health and Water Quality Restoration Program.
 Sec. 104. Water quality action plan.
 Sec. 105. Grants, interagency and other agreements, and assistance.
 Sec. 106. Annual budget plan.
 Sec. 107. Reports.

TITLE II—NEW RIVER PUBLIC HEALTH AND WATER QUALITY RESTORATION

- Sec. 201. Findings; purpose.
 Sec. 202. Definitions.
 Sec. 203. California New River Public Health and Water Quality Restoration Program.
 Sec. 204. Water quality action plan.
 Sec. 205. Grants, interagency and other agreements, and assistance.
 Sec. 206. Annual budget plan.
 Sec. 207. Reports.

TITLE III—BORDER WATER INFRASTRUCTURE IMPROVEMENT

- Sec. 301. United States-Mexico border water infrastructure program.

TITLE IV—MISCELLANEOUS

- Sec. 401. Role of the Commissioner and international agreements.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
 4 trator” means the Administrator of the Environ-
 5 mental Protection Agency.

6 (2) COMMISSIONER.—The term “Commis-
 7 sioner” means the Commissioner of the United
 8 States Section of the International Boundary and
 9 Water Commission.

10 (3) INDIAN TRIBE.—The term “Indian Tribe”
 11 has the meaning given the term “Indian tribe” in
 12 section 102 of the Federally Recognized Indian
 13 Tribe List Act of 1994 (25 U.S.C. 5130).

1 (4) MEXICAN.—The term “Mexican”, with re-
2 spect to entities from Mexico, means, as applicable,
3 the Federal, State, and local governments of Mexico.

4 (5) NEW RIVER.—The term “New River”
5 means the river that starts in Mexicali, Mexico,
6 flows north into the United States through Calexico,
7 passes through the Imperial Valley, and drains into
8 the Salton Sea.

9 (6) SECRETARY.—The term “Secretary” means
10 the Secretary of State.

11 (7) TIJUANA RIVER.—The term “Tijuana
12 River” means the river that rises in the Sierra de
13 Juarez in Mexico, flows through the City of Tijuana
14 and then north into the United States, passes
15 through the Tijuana River estuary, and drains into
16 the Pacific Ocean.

17 (8) WATER REUSE.—The term “water reuse”
18 has the meaning given the term in the document of
19 the Environmental Protection Agency entitled “Na-
20 tional Water Reuse Action Plan Collaborative Imple-
21 mentation (Version 1)” and dated February 2020.

1 **TITLE I—TIJUANA RIVER PUB-**
2 **LIC HEALTH AND WATER**
3 **QUALITY RESTORATION**

4 **SEC. 101. FINDINGS; PURPOSE.**

5 (a) FINDINGS.—Congress finds that—

6 (1) the Tijuana River flows across the United
7 States-Mexico border, through the southern United
8 States, and into the Pacific Ocean;

9 (2) $\frac{3}{4}$ of the 1,750 square mile watershed of
10 the Tijuana River lies in Mexico, and the remaining
11 $\frac{1}{4}$ includes the Tijuana River National Estuarine
12 Research Reserve in the United States;

13 (3) the Tijuana River National Estuarine Re-
14 search Reserve is a partnership of Federal and State
15 agencies, including the National Oceanic and Atmos-
16 pheric Administration, California State Parks, and
17 the United States Fish and Wildlife Service;

18 (4) the Tijuana River is a significant estuary
19 and watershed, providing—

20 (A) economic and health benefits to the
21 citizens of the United States and Mexico; and

22 (B) environmental benefits as critical habi-
23 tat to shore birds;

24 (5) the economy of communities in southern
25 California, including smaller communities, such as

1 the City of Imperial Beach, and larger municipali-
2 ties, such as the City of San Diego, may be signifi-
3 cantly affected—

4 (A) if the natural beauty and recreational
5 opportunities of the Tijuana River are de-
6 graded; and

7 (B) due to public health and environmental
8 impacts;

9 (6) the Tijuana River watershed is in the midst
10 of an environmental crisis, as stormwater flows from
11 the upper watershed, originating in Tijuana, Mexico,
12 carrying pollutants such as bacteria, trash, and sedi-
13 ment that severely affect water quality;

14 (7) coastal communities in and near the Ti-
15 juana River watershed are also affected, during cer-
16 tain tidal events, by a combination of treated waste-
17 water and chlorinated-only wastewater discharged
18 from the San Antonio de los Buenos wastewater
19 treatment plant located 5 miles south of the United
20 States-Mexico border in Tijuana;

21 (8) as reported by the Government Account-
22 ability Office in February 2020, transboundary flows
23 of untreated sewage, combined with unmanaged
24 stormwater, bring bacteria and other contaminants

1 into the Tijuana River Valley watershed and beaches
2 in the United States;

3 (9) sediment flows into the Tijuana River Na-
4 tional Wildlife Refuge and blocks the flow of ocean
5 water and creates an imbalance in water salinity,
6 necessary for marsh plants, fish, and birds;

7 (10) before the date of enactment of this Act,
8 the City of Imperial Beach has experienced more
9 than 1,000 consecutive days of beach closures due to
10 the ongoing influx of sewage, industrial discharges,
11 and trash from the Tijuana River due to risk to
12 human health;

13 (11) flows of untreated sewage, chemicals, and
14 pollution from Mexico jeopardize the health of Bor-
15 der Patrol agents and limit the ability of those
16 agents to operate in areas affected by these flows;

17 (12) a March 2020 report of the Environmental
18 Financial Advisory Board of the Environmental Pro-
19 tection Agency—

20 (A) found that—

21 (i) “stormwater knows no jurisdic-
22 tional boundaries . . . and is a principal
23 cause of water quality issues nationwide”;
24 and

1 (ii) adequate funding to manage
2 stormwater pollution lags behind the in-
3 vestments made in wastewater manage-
4 ment and the delivery of safe drinking
5 water by decades; and

6 (B) concluded that Federal investment will
7 be required to address—

8 (i) the lack of State and local funding;
9 and

10 (ii) multi-jurisdictional stormwater
11 management needs;

12 (13) during the 10-year period before the date
13 of enactment of this Act, Federal, State, and local
14 governments and others have identified the benefits
15 of using natural and green infrastructure to control
16 and manage stormwater runoff, including wetlands,
17 coastal dunes, and retention structures;

18 (14) during the 20-year period before the date
19 of enactment of this Act, the United States and
20 Mexico, through the International Boundary and
21 Water Commission, have agreed to resolve the pollu-
22 tion problems in the Tijuana River;

23 (15) the International Boundary and Water
24 Commission has negotiated 9 Minutes to resolve

1 water quality problems in the Tijuana River, among
2 other subjects;

3 (16) 1 of the most recent Minutes authorized
4 the construction of the South Bay International
5 Wastewater Treatment Plant in San Ysidro to treat,
6 on average, 25,000,000 gallons of sewage from Ti-
7 juana per day, which has reduced the sewage coming
8 into the United States;

9 (17) the sewer system of Tijuana is—

10 (A) aging and deteriorating; and

11 (B) insufficient to meet the needs of a
12 quickly growing population;

13 (18) in August 2023, Tropical Storm Hilary—

14 (A) caused more than 2,000,000,000 gal-
15 lons of contaminated water to flow across the
16 border; and

17 (B) exacerbated vulnerabilities at the
18 South Bay International Wastewater Treatment
19 Plant;

20 (19) on January 22, 2024, a record-breaking
21 storm caused the Tijuana River to reach the highest
22 flow ever recorded for that river at 14,500,000 gal-
23 lons per day;

24 (20) from January to June of 2024, an esti-
25 mated 33,551,000,000 gallons of wastewater, treat-

1 ed water, and stormwater flowed from Mexico to the
2 United States;

3 (21) on June 17, 2024, a pump station failure
4 resulted in approximately 302,000 gallons of un-
5 treated spilling onto the public right-of-way;

6 (22) during the 2-year period before the date of
7 enactment of this Act, transboundary flows occurred
8 on 317 days, on average, each year;

9 (23) those transboundary flows contain treated
10 wastewater, raw sewage, and urban runoff, with
11 most of those flows associated with wet weather and
12 stormwater;

13 (24) during the 2-year period before the date of
14 enactment of this Act, unprecedented dry weather
15 flows reached approximately 10,043,000,000 gallons;

16 (25) abnormal dry weather flows and sediment
17 have caused pump failures, oppressive odors, and
18 public health concerns;

19 (26) the Federal Water Pollution Control Act
20 (33 U.S.C. 1251 et seq.) has established a
21 stormwater permit program under the National Pol-
22 lutant Discharge Elimination System, under which
23 municipalities have the responsibility to manage and
24 treat stormwater;

1 (27) because of the international border and
2 different treatment systems and standards, dis-
3 charges in Mexico to the Tijuana River are not
4 treated to the same standards as the standards to
5 which discharges would be treated in the United
6 States;

7 (28) the International Boundary and Water
8 Commission negotiated Minute 320 to find solutions
9 for water quality, trash, and sediment in the Tijuana
10 River;

11 (29) the International Boundary and Water
12 Commission negotiated Minute 328 to implement
13 sanitation infrastructure projects in Tijuana, Baja
14 California, and San Diego, California, that will be fi-
15 nanced with a total joint investment of
16 \$474,000,000;

17 (30) the United States has invested at least
18 \$300,000,000 for secondary wastewater treatment in
19 the Tijuana River Valley by the International
20 Boundary and Water Commission and the Environ-
21 mental Protection Agency through the United
22 States-Mexico-Canada Agreement and Minute 328;

23 (31) the Environmental Protection Agency and
24 the International Boundary and Water Commission
25 selected Alternative 2, as described in the final pro-

1 grammatic environmental impact statement of the
2 Environmental Protection Agency and the Inter-
3 national Boundary and Water Commission entitled
4 “USMCA Mitigation of Contaminated Transbound-
5 ary Flows Project” and dated November 2, 2022,
6 and selected in the record of decision of the Environ-
7 mental Protection Agency and the International
8 Boundary and Water Commission entitled “Joint
9 Record of Decision for the Final Programmatic En-
10 vironmental Impact Statement for United States-
11 Mexico-Canada Agreement Mitigation of Contami-
12 nated Transboundary Flows Project” and signed on
13 June 9, 2023;

14 (32) the United States has also helped fund
15 water and wastewater infrastructure along the bor-
16 der through the Border Water Infrastructure Pro-
17 gram and the North American Development Bank;
18 and

19 (33) however, as the Government Accountability
20 Office found in the report described in paragraph
21 (8)—

22 (A) the longstanding environmental and
23 health problems associated with transboundary
24 stormwater flows continue; and

1 (B) while the International Boundary and
2 Water Commission has taken the first steps to
3 conduct long-term capital planning to resolve
4 existing problems by proposing and analyzing
5 alternatives, analyzing costs, identifying solu-
6 tions, or establishing time frames, significant
7 additional investment from the resources of
8 Federal, State, Tribal, local, and Mexican enti-
9 ties is needed to improve the water quality of
10 the Tijuana River watershed.

11 (b) PURPOSES.—The purposes of this title are—

12 (1) to establish a Geographic Program to plan
13 and implement water quality restoration and protec-
14 tion activities;

15 (2) to ensure the coordination of restoration
16 and protection activities among Mexican, Federal,
17 State, local, and regional entities and conservation
18 partners relating to water quality and stormwater
19 management in the Mexican Tijuana River water-
20 shed and the American Tijuana River watershed;
21 and

22 (3) to provide funding for water quality restora-
23 tion and protection activities in the Mexican Tijuana
24 River watershed and the American Tijuana River
25 watershed.

1 **SEC. 102. DEFINITIONS.**

2 In this title:

3 (1) AMERICAN TIJUANA RIVER WATERSHED.—

4 The term “American Tijuana River watershed”
5 means the portion of the Tijuana River watershed
6 that lies in the United States.

7 (2) MEXICAN TIJUANA RIVER WATERSHED.—

8 The term “Mexican Tijuana River watershed”
9 means the portion of the Tijuana River watershed
10 that lies in Mexico.

11 (3) PROGRAM.—The term “program” means
12 the Tijuana River Public Health and Water Quality
13 Restoration Program established under section
14 103(a)(1).

15 (4) PROGRAM DIRECTOR.—The term “Program
16 Director” means the Program Director of the pro-
17 gram designated under section 103(a)(2).

18 (5) WATER QUALITY RESTORATION AND PRO-
19TECTION.—The term “water quality restoration and
20 protection”, with respect to the Tijuana River water-
21 shed, means—

22 (A) the enhancement of water quality and
23 stormwater management; and

24 (B) the use of natural and green infra-
25 structure to enhance the ability of the water-

1 shed to capture pollutants and reduce runoff to
2 prevent flooding.

3 **SEC. 103. TIJUANA RIVER PUBLIC HEALTH AND WATER**
4 **QUALITY RESTORATION PROGRAM.**

5 (a) ESTABLISHMENT.—

6 (1) PROGRAM.—Not later than 180 days after
7 the date of enactment of this Act, subject to the
8 availability of appropriations provided specifically for
9 this purpose, the Administrator shall establish a Ge-
10 ographic Program, to be known as the “Tijuana
11 River Public Health and Water Quality Restoration
12 Program”.

13 (2) PROGRAM DIRECTOR.—Not later than 180
14 days after the date of enactment of this Act, the Ad-
15 ministrator shall designate a Program Director of
16 the program, who shall—

17 (A) have leadership and project manage-
18 ment experience; and

19 (B) be qualified—

20 (i) to direct the integration of multiple
21 project planning efforts and programs
22 from different agencies and jurisdictions;

23 (ii) to align numerous, and possibly
24 competing, priorities to accomplish visible

1 and measurable outcomes under the action
2 plan under section 104(a)(1);

3 (iii) to manage efforts and associated
4 functions needed to run the management
5 conference described in subsection (b)(2);

6 (iv) to facilitate engagement with the
7 International Boundary and Water Com-
8 mission and related Federal agencies;

9 (v) to solicit feedback from relevant
10 Federal, State, Tribal, local, public, non-
11 profit, and other relevant stakeholders on
12 the creation and implementation of the ac-
13 tion plan under section 104(a)(1); and

14 (vi) to consult with Indian Tribes
15 within the American Tijuana River water-
16 shed region.

17 (b) DUTIES.—In carrying out the program—

18 (1) the Administrator shall—

19 (A) develop the action plan under section
20 104(a)(1) to address pollution prevention, envi-
21 ronmental and ecological restoration, climate
22 change, resilience, and mitigation, and related
23 efforts, in the American Tijuana River water-
24 shed region;

1 (B) carry out projects, plans, and initia-
2 tives for the Tijuana River and work in con-
3 sultation with applicable management entities,
4 including representatives of the Federal Govern-
5 ment, State and local governments, Tribal gov-
6 ernments, and regional and nonprofit organiza-
7 tions, to carry out public health and water qual-
8 ity restoration and protection activities relating
9 to the Tijuana River;

10 (C) carry out activities that—

11 (i) develop, using monitoring, data
12 collection, and assessment, a shared set of
13 science-based water quality restoration and
14 protection activities identified in accord-
15 ance with subparagraph (B);

16 (ii) support the implementation of a
17 shared set of science-based water quality
18 restoration and protection activities identi-
19 fied in accordance with subparagraph (B),
20 including water reuse projects, water recy-
21 cling projects, and natural and green infra-
22 structure projects;

23 (iii) target cost-effective projects with
24 measurable results; and

1 (iv) maximize public health and water
2 quality conservation outcomes;

3 (D) coordinate the development of con-
4 sistent Federal policies, strategies, projects, and
5 priorities for addressing the public health and
6 water quality restoration and protection of the
7 Tijuana River;

8 (E) coordinate a funding strategy among
9 available funding sources in the region; and

10 (F) provide grants, agreements, and tech-
11 nical assistance in accordance with section 105;
12 and

13 (2) not later than 120 days after the date on
14 which the Program Director is designated under
15 subsection (a)(2), the Program Director shall con-
16 vene a management conference for the Tijuana River
17 pursuant to section 320 of the Federal Water Pollu-
18 tion Control Act (33 U.S.C. 1330).

19 (c) COORDINATION.—In establishing the program,
20 the Administrator shall consult, as appropriate, with—

21 (1) the heads of Federal agencies, including—

22 (A) the Secretary;

23 (B) the Commissioner;

24 (C) the Secretary of Agriculture;

25 (D) the Secretary of Homeland Security;

1 (E) the Administrator of General Services;

2 (F) the Commissioner of U.S. Customs
3 and Border Protection;

4 (G) the Secretary of the Interior;

5 (H) the Secretary of the Army, acting
6 through the Chief of Engineers;

7 (I) the Administrator of the National Oce-
8 anic and Atmospheric Administration;

9 (J) the Director of the United States Fish
10 and Wildlife Service; and

11 (K) the head of any other applicable agen-
12 cy, as determined by the Administrator;

13 (2) a representative of Naval Base Coronado;

14 (3) a representative of the Commander, Navy
15 Region Southwest;

16 (4) a representative of the Coast Guard;

17 (5) a representative of the United States Geo-
18 logical Survey;

19 (6) a representative of the Bureau of Indian Af-
20 fairs;

21 (7) a representative from each Indian Tribe lo-
22 cated within the American Tijuana River watershed;

23 (8) the heads of State of California agencies,
24 including—

25 (A) the Governor of California;

1 (B) the California Environmental Protec-
2 tion Agency;

3 (C) the California State Water Resources
4 Control Board;

5 (D) the California Department of Water
6 Resources; and

7 (E) the San Diego Regional Water Quality
8 Control Board;

9 (9) 2 representatives of affected units of local
10 government in the State of California, chosen on a
11 rotating 3-year cycle by the Governor of California,
12 including representatives from the City of Imperial
13 Beach, the City of San Diego, the City of Chula
14 Vista, the City of Coronado, the Port of San Diego,
15 and the County of San Diego;

16 (10) 2 representatives of relevant nonprofit
17 groups, chosen on a rotating 3-year cycle by the
18 Governor of California;

19 (11) other public agencies and organizations
20 with authority for the planning and implementation
21 of conservation strategies relating to the Tijuana
22 River in the United States and Mexico, as deter-
23 mined by the Administrator; and

24 (12) representatives of the North American De-
25 velopment Bank.

1 (d) COOPERATIVE AGREEMENTS AND MEMORANDA
2 OF UNDERSTANDING.—

3 (1) IN GENERAL.—To achieve the purposes of
4 this title and to ensure effective coordination of Fed-
5 eral and non-Federal water quality restoration and
6 protection activities, the Administrator shall use
7 amounts made available for the United States-Mex-
8 ico border water infrastructure program under sec-
9 tion 301 and payments received pursuant to para-
10 graph (4)(A) to enter into cooperative agreements
11 and memoranda of understanding with, and provide
12 technical assistance to—

13 (A) the heads of other Federal agencies,
14 States, State agencies, units of local govern-
15 ment, Tribal governments, regional govern-
16 mental bodies, and private entities; and

17 (B) in cooperation with the Secretary, the
18 Government of Mexico.

19 (2) USE OF AGREEMENTS.—The Administrator
20 may enter into the cooperative agreements and
21 memoranda of understanding described in paragraph
22 (1) to carry out the activities described in this sec-
23 tion, including studies, plans, construction, and com-
24 pletion of projects to improve the water quality of,

1 environment of, and public health around the Ti-
2 juana River.

3 (3) TERM.—The cooperative agreements and
4 memoranda of understanding described in paragraph
5 (1) shall be limited to a specified period of time, as
6 determined by the Administrator.

7 (4) FINANCIAL ARRANGEMENTS.—

8 (A) IN GENERAL.—If the Administrator
9 enters into a cooperative agreement or memo-
10 randum of understanding described in para-
11 graph (1), the Administrator may require the
12 other party to the agreement or memorandum
13 to provide payment to the Administrator.

14 (B) DEPOSIT.—Any amounts received as a
15 payment under subparagraph (A) shall be de-
16 posited into the State and Tribal Assistance
17 Grants account of the Environmental Protec-
18 tion Agency and shall remain available, without
19 further appropriation, to carry out the purposes
20 of this title.

21 (5) PERSONNEL; SERVICES; TECHNICAL ASSIST-
22 ANCE.—The Administrator may provide or accept
23 personnel, services, and technical assistance pursu-
24 ant to a cooperative agreement or memorandum of
25 understanding described in paragraph (1), with or

1 without reimbursement, for the purposes of carrying
2 out the agreement or memorandum.

3 **SEC. 104. WATER QUALITY ACTION PLAN.**

4 (a) DEVELOPMENT.—

5 (1) IN GENERAL.—The Administrator, in con-
6 sultation with the entities described in section
7 103(c), shall develop an action plan in accordance
8 with the Statement of Intent between the United
9 States and Mexico relating to the implementation of
10 priority sanitation projects in the San Diego, CA.-
11 Tijuana, BC region, signed on July 1, 2022, for the
12 purpose of improving and protecting the water qual-
13 ity of the Tijuana River watershed.

14 (2) REQUIREMENTS.—The action plan under
15 paragraph (1) shall—

16 (A) build on and incorporate any existing
17 efforts and plans to improve and protect the
18 water quality of the Tijuana River watershed,
19 including ongoing and completed efforts and
20 plans;

21 (B) incorporate projects identified in Alter-
22 native 2, as described in the final programmatic
23 environmental impact statement of the Environ-
24 mental Protection Agency and the International
25 Boundary and Water Commission entitled

1 “USMCA Mitigation of Contaminated Trans-
2 boundary Flows Project” and dated November
3 2, 2022, and selected in the record of decision
4 of the Environmental Protection Agency and
5 the International Boundary and Water Com-
6 mission entitled “Joint Record of Decision for
7 the Final Programmatic Environmental Impact
8 Statement for United States-Mexico-Canada
9 Agreement Mitigation of Contaminated Trans-
10 boundary Flows Project” and signed on June 9,
11 2023; and

12 (C) include—

13 (i) such features as are needed to im-
14 prove and protect the quality of waste-
15 water, stormwater runoff, and other un-
16 treated flows;

17 (ii) criteria for selecting—

18 (I) water quality restoration and
19 protection projects; and

20 (II) projects on the priority list
21 under subsection (c)(1);

22 (iii) the amounts necessary for the op-
23 erations and maintenance of infrastructure
24 existing on and constructed after the date
25 of enactment of this Act; and

1 (iv) potential sources of funding to
 2 help pay the costs described in clause (iii).

3 (3) OPERATIONS AND MAINTENANCE FUND-
 4 ING.—

5 (A) IN GENERAL.—In developing the ac-
 6 tion plan under paragraph (1), the Adminis-
 7 trator, working with the entities described in
 8 section 103(c), shall assess and identify poten-
 9 tial alternative sources and approaches for fi-
 10 nancing infrastructure projects, including fi-
 11 nancing the operations and maintenance of
 12 those infrastructure projects.

13 (B) REQUIREMENT.—In carrying out sub-
 14 paragraph (A), the Administrator shall assess
 15 the approaches identified in the report of the
 16 Environmental Financial Advisory Board enti-
 17 tled “Evaluating Stormwater Infrastructure
 18 Funding and Financing” and dated March
 19 2020.

20 (b) ISSUANCE; UPDATES.—The Administrator
 21 shall—

22 (1) not later than 1 year after the date of en-
 23 actment of this Act, issue the action plan under sub-
 24 section (a)(1); and

1 (2) every 5 years after the date on which the
2 action plan is issued under paragraph (1), update
3 the action plan.

4 (c) PRIORITY LIST.—

5 (1) IN GENERAL.—The action plan under sub-
6 section (a)(1) shall include a priority list of potential
7 or proposed water quality restoration and protection
8 projects for the Tijuana River watershed that—

9 (A) provides for the management of waste-
10 water or stormwater or the removal of debris,
11 sediment, chemicals, bacteria, and other con-
12 taminants from the water flowing north into the
13 United States;

14 (B) estimates the costs and identifies the
15 entities that will fund the construction, oper-
16 ation, and maintenance of each project on the
17 priority list;

18 (C) is developed in coordination with the
19 entities described in section 103(c);

20 (D) assists agencies to coordinate funding;
21 and

22 (E) identifies projects—

23 (i) in the Mexican Tijuana River wa-
24 tershed;

1 (ii) in the American Tijuana River
2 watershed; and

3 (iii) that address transboundary flows
4 that affect coastal communities in and
5 near the Tijuana River watershed.

6 (2) DEVELOPMENT.—In developing the priority
7 list under paragraph (1), the Administrator shall—

8 (A) use the best available science, includ-
9 ing any relevant findings and recommendations
10 of a watershed assessment conducted by Fed-
11 eral, State, Tribal, and local agencies;

12 (B) carry out and fund science develop-
13 ment, monitoring, or modeling as needed to in-
14 form project development and assessment; and

15 (C) include, in order of priority, potential
16 or proposed water quality or stormwater
17 projects for the restoration and protection of
18 the Tijuana River that—

19 (i) would help—

20 (I) to achieve and maintain the
21 water quality standards for—

22 (aa) public health;

23 (bb) recreational opportuni-
24 ties;

25 (cc) scenic resources; and

1 (dd) wildlife and habitat;
2 and

3 (II) to address water needs in the
4 Tijuana River watershed, including
5 through water reuse and water recycling; and

6
7 (ii) would identify responsible agencies
8 and funding sources through coordinated
9 efforts by the entities described in section
10 103(c).

11 **SEC. 105. GRANTS, INTERAGENCY AND OTHER AGREEMENTS, AND ASSISTANCE.**
12

13 (a) IN GENERAL.—In order to carry out the purposes
14 of the program as described in section 101(b) and implement
15 priority projects identified under section 104(c), the
16 Administrator may—

17 (1) provide grants and technical assistance to
18 the Commissioner, State and local governments,
19 Tribal governments, the North American Development
20 Bank, entities described in section 103(c)(11),
21 nonprofit organizations, and institutions of higher
22 education, in both the United States and Mexico;
23 and

24 (2) enter into interagency agreements with
25 other Federal agencies.

1 (b) CRITERIA.—The Administrator, in consultation
 2 with the entities described in section 103(c), shall develop
 3 criteria for providing grants and technical assistance and
 4 entering into interagency agreements under subsection (a)
 5 to ensure that activities carried out under an interagency
 6 agreement or using those grants or technical assistance—

7 (1) accomplish 1 or more of the purposes iden-
 8 tified in section 101(b); and

9 (2) advance the implementation of priority
 10 projects identified under section 104(c).

11 (c) COST SHARING.—The Administrator may estab-
 12 lish a Federal share requirement for any project carried
 13 out using any assistance provided under this section on
 14 an individual project basis.

15 (d) ADMINISTRATION.—

16 (1) IN GENERAL.—The Administrator may
 17 enter into an agreement to manage the implementa-
 18 tion of this section with the North American Devel-
 19 opment Bank or a similar organization that offers
 20 grant management services.

21 (2) FUNDING.—If the Administrator enters into
 22 an agreement under paragraph (1), the organization
 23 selected shall—

24 (A) for each fiscal year, receive amounts to
 25 carry out this section in an advance payment of

1 the entire amount on the date of enactment of
 2 an appropriations Act making appropriations to
 3 the Administrator for a fiscal year, or as soon
 4 as practicable thereafter; and

5 (B) otherwise administer the implementa-
 6 tion of this section to support partnerships be-
 7 tween the public and private sectors in accord-
 8 ance with this title.

9 (e) CONSTRUCTION, OPERATION, AND MAINTENANCE.—The Commissioner may construct, operate, and
 10 maintain any project carried out using funds made avail-
 11 able to carry out this section.

12 (f) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) IN GENERAL.—There is authorized to be
 14 appropriated to the Administrator to carry out this
 15 section \$50,000,000 for each of fiscal years 2025
 16 through 2035, to remain available until expended.

17 (2) SET ASIDE.—Of amounts made available to
 18 carry out this section, the Administrator may use
 19 not more than 5 percent for grants under this sec-
 20 tion for salaries, expenses, and administration.

21 (3) TRANSFER.—The Administrator may trans-
 22 fer amounts made available under this subsection to
 23 the Commissioner as the Administrator determines
 24 necessary to carry out this section.
 25

1 **SEC. 106. ANNUAL BUDGET PLAN.**

2 The President, as part of the annual budget submis-
3 sion of the President to Congress under section 1105(a)
4 of title 31, United States Code, shall submit estimated ex-
5 penditures and proposed appropriations for projects under
6 this title, including administrative needs and expenses, for
7 the current year, the budget year, and 5 outyears (as those
8 terms are defined in section 250(c) of the Balanced Budg-
9 et and Emergency Deficit Control Act of 1985 (2 U.S.C.
10 900(c)), including for projects included in the priority list
11 under section 104(c), for each Federal agency described
12 in section 103(c)(1).

13 **SEC. 107. REPORTS.**

14 Not later than 1 year after the date of enactment
15 of this Act, and every 2 years thereafter, the Adminis-
16 trator shall submit to Congress a report on the implemen-
17 tation of this title, including—

18 (1) a description of—

19 (A) each project that has received funding
20 pursuant to this title; and

21 (B) the status of all projects that have re-
22 ceived funding pursuant to this title that are in
23 progress on the date of submission of the re-
24 port; and

1 (2) an assessment of the effectiveness of the op-
2 eration and maintenance of each project that has
3 been carried out pursuant to this title.

4 **TITLE II—NEW RIVER PUBLIC**
5 **HEALTH AND WATER QUAL-**
6 **ITY RESTORATION**

7 **SEC. 201. FINDINGS; PURPOSE.**

8 (a) FINDINGS.—Congress finds that—

9 (1) the New River was born out of—

10 (A) occasional flows of the Colorado River
11 into the Salton Sink; and

12 (B) the erosion of the New River channel,
13 which formed the deep river canyon between
14 1905 and 1907;

15 (2) the New River—

16 (A) starts in Mexicali, Mexico;

17 (B) flows north into the United States
18 through Calexico;

19 (C) passes through the Imperial Valley;
20 and

21 (D) drains into the Salton Sea approxi-
22 mately 66 miles north of the international
23 boundary;

1 (3) the sub-watershed of the New River covers
 2 approximately 750 square miles, of which 63 percent
 3 is in Mexico and 37 percent is in the United States;

4 (4) the New River has been widely recognized
 5 for significant water pollution problems, primarily
 6 because of agricultural runoff, raw sewage, pes-
 7 ticides, and discharges of wastes from domestic, ag-
 8 ricultural, and industrial sources in Mexico and the
 9 Imperial Valley;

10 (5) by the 1980s, the New River acquired the
 11 reputation of being 1 of the most polluted rivers in
 12 the United States, with many pollutants in the New
 13 River posing serious human health hazards to local
 14 populations, particularly in Calexico and Mexicali;

15 (6) in 1992, Minute 288 of the International
 16 Boundary and Water Commission—

17 (A) established a sanitation strategy for
 18 the water quality problems of the New River at
 19 the international border; and

20 (B) divided sanitation projects into 2 im-
 21 mediate repair projects, the Mexicali I and
 22 Mexicali II, that—

23 (i) totaled approximately
 24 \$50,000,000; and

1 (ii) were funded by both the United
2 States and Mexico through the North
3 American Development Bank;

4 (7) in 1995, the Environmental Protection
5 Agency provided funds to the California Regional
6 Water Quality Control Board to monitor and docu-
7 ment the water quality at the international boundary
8 on a monthly basis;

9 (8) in the late 1990s—

10 (A) the United States and Mexico spent
11 \$100,000,000 (of which 45 percent was paid by
12 Mexico and 55 percent was paid by the United
13 States) to build the Las Arenitas and Zaragoza
14 wastewater treatment plants; and

15 (B) after the construction of those plants,
16 untreated water from the New River was passed
17 through 4 microbial treatment cells at the Las
18 Arenitas wastewater treatment plant, which was
19 then chlorinated and fed into a reforestation
20 project along the desiccated Rio Hardy, which
21 stretches to the Sea of Cortez;

22 (9) a 10-year effort by community groups, law-
23 yers, regulatory agencies, and politicians addressed
24 the problem of water quality in the New River at the
25 source by—

1 (A) federally funding a new sewage treat-
2 ment plant in Mexicali; and

3 (B) developing a site plan for the portion
4 of the New River in the United States;

5 (10) in 2009, the State of California required
6 the California-Mexico Border Relations Council—

7 (A) to create a water quality plan to study,
8 monitor, remediate, and enhance the water
9 quality of the New River to protect human
10 health; and

11 (B) to develop a river parkway suitable for
12 public use;

13 (11) in 2012, the California-Mexico Border Re-
14 lations Council approved the strategic plan for the
15 New River Improvement Project that was prepared
16 by the New River Improvement Project Technical
17 Advisory Committee;

18 (12) in 2016, the New River Improvement
19 Project Technical Advisory Committee revised the
20 recommended infrastructure of the New River Im-
21 provement Project, and the State of California ap-
22 propriated \$1,400,000 to provide grants or contracts
23 to carry out the necessary planning, design, environ-
24 mental review, and permitting work;

1 (13) the revised New River Improvement
2 Project includes the installation of a large trash
3 screen, a conveyance system, aeration devices, a new
4 pump station, and managed wetlands; and

5 (14) the existing and ongoing voluntary con-
6 servation efforts at the New River necessitate im-
7 proved efficiency and cost effectiveness, increased
8 private sector investments, and coordination of Fed-
9 eral and non-Federal resources.

10 (b) PURPOSES.—The purposes of this title include—

11 (1) coordinating water quality restoration and
12 protection activities relating to the New River
13 among Mexican, Federal, State, local, and regional
14 entities and conservation partners; and

15 (2) carrying out coordinated restoration and
16 protection activities relating to the New River and
17 providing technical assistance for those activities—

18 (A) to sustain and enhance fish and wild-
19 life habitat restoration and protection activities;

20 (B) to improve and maintain water quality
21 to support fish and wildlife, as well as the habi-
22 tats of fish and wildlife;

23 (C) to sustain and enhance water manage-
24 ment for volume and flood damage mitigation

1 improvements to benefit fish and wildlife habi-
2 tat;

3 (D) to improve opportunities for public ac-
4 cess to, and recreation in and along, the New
5 River consistent with the ecological needs of
6 fish and wildlife habitat;

7 (E) to maximize the resilience of natural
8 systems and habitats under changing watershed
9 conditions;

10 (F) to engage the public through outreach,
11 education, and citizen involvement to increase
12 capacity and support for coordinated water
13 quality restoration and protection activities re-
14 lating to the New River;

15 (G) to increase scientific capacity to sup-
16 port the planning, monitoring, and research ac-
17 tivities necessary to carry out coordinated water
18 quality restoration and protection activities re-
19 lating to the New River; and

20 (H) to provide technical assistance to carry
21 out water quality restoration and protection ac-
22 tivities relating to the New River.

23 **SEC. 202. DEFINITIONS.**

24 In this title:

1 (1) PROGRAM.—The term “program” means
 2 the California New River Public Health and Water
 3 Quality Restoration Program established under sec-
 4 tion 203(a).

5 (2) WATER QUALITY RESTORATION AND PRO-
 6 TECTION.—The term “water quality restoration and
 7 protection”, with respect to the New River water-
 8 shed, means—

9 (A) the enhancement of water quality and
 10 stormwater management; and

11 (B) the use of natural and green infra-
 12 structure to enhance the ability of the water-
 13 shed to capture pollutants and reduce runoff to
 14 prevent flooding.

15 **SEC. 203. CALIFORNIA NEW RIVER PUBLIC HEALTH AND**
 16 **WATER QUALITY RESTORATION PROGRAM.**

17 (a) ESTABLISHMENT.—Not later than 180 days after
 18 the date of enactment of this Act, subject to the avail-
 19 ability of appropriations provided specifically for this pur-
 20 pose, the Administrator shall establish a Geographic Pro-
 21 gram, to be known as the “California New River Public
 22 Health and Water Quality Restoration Program”.

23 (b) DUTIES.—In carrying out the program, the Ad-
 24 ministrator shall—

1 (1) carry out projects, plans, and initiatives for
2 the New River that are supported by the California-
3 Mexico Border Relations Council, and work in con-
4 sultation with applicable management entities, in-
5 cluding representatives of the Calexico New River
6 Committee, the California-Mexico Border Relations
7 Council, the New River Improvement Project Tech-
8 nical Advisory Committee, the Federal Government,
9 State and local governments, and regional and non-
10 profit organizations, to carry out water quality res-
11 toration and protection activities relating to the New
12 River;

13 (2) carry out activities that—

14 (A) develop, using monitoring, data collec-
15 tion, and assessment, a shared set of science-
16 based water quality restoration and protection
17 activities identified in accordance with para-
18 graph (1);

19 (B) support the implementation of a
20 shared set of science-based water quality res-
21 toration and protection activities identified in
22 accordance with paragraph (1), including water
23 reuse projects, water recycling projects, and
24 natural and green infrastructure projects;

1 (C) target cost-effective projects with
2 measurable results; and

3 (D) maximize public health and water
4 quality conservation outcomes; and

5 (3) provide grants, agreements, and technical
6 assistance in accordance with section 205.

7 (c) COORDINATION.—In establishing the program,
8 the Administrator shall consult, as appropriate, with—

9 (1) the heads of Federal agencies, including—

10 (A) the Secretary of the Interior;

11 (B) the Secretary of Agriculture;

12 (C) the Secretary of Homeland Security;

13 (D) the Administrator of General Services;

14 (E) the Commissioner of U.S. Customs
15 and Border Protection;

16 (F) the Commissioner;

17 (G) the Secretary of the Army, acting
18 through the Chief of Engineers;

19 (H) the Administrator of the National
20 Oceanic and Atmospheric Administration;

21 (I) the Director of the United States Fish
22 and Wildlife Service; and

23 (J) the head of any other applicable agen-
24 cy, as determined by the Administrator;

25 (2) the Governor of California;

1 (3) the California Environmental Protection
2 Agency;

3 (4) the California State Water Resources Con-
4 trol Board;

5 (5) the California Department of Water Re-
6 sources;

7 (6) the Colorado River Basin Regional Water
8 Quality Control Board;

9 (7) the Imperial Irrigation District;

10 (8) the Salton Sea Authority;

11 (9) other public agencies and organizations with
12 authority for the planning and implementation of
13 conservation strategies relating to the New River in
14 the United States and Mexico, as determined by the
15 Administrator; and

16 (10) representatives of the North American De-
17 velopment Bank.

18 (d) COOPERATIVE AGREEMENTS AND MEMORANDA
19 OF UNDERSTANDING.—

20 (1) IN GENERAL.—To achieve the purposes of
21 this title, the Administrator may enter into coopera-
22 tive agreements and memoranda of understanding
23 with—

24 (A) the heads of other Federal agencies,
25 States, State agencies, units of local govern-

1 ment, regional governmental bodies, and private
2 entities; and

3 (B) in cooperation with the Secretary, the
4 Government of Mexico.

5 (2) USE OF AGREEMENTS.—The Administrator
6 may enter into the cooperative agreements and
7 memoranda of understanding described in paragraph
8 (1)—

9 (A) to carry out the activities described in
10 this section, including studies, plans, construc-
11 tion, and completion of projects to improve the
12 water quality of, environment of, and public
13 health around the New River; and

14 (B) to carry out a pilot project under
15 which the Administrator shall, for projects se-
16 lected by the Administrator that would other-
17 wise not be successful in improving the water
18 quality of, environment of, and public health of
19 people residing in areas surrounding the New
20 River—

21 (i) identify the parties responsible for
22 the projects; and

23 (ii) provide funds to those parties for
24 the operations and maintenance of the
25 projects.

1 (3) TERM.—The cooperative agreements and
2 memoranda of understanding described in paragraph
3 (1) shall be limited to a specified period of time, as
4 determined by the Administrator.

5 (4) FINANCIAL ARRANGEMENTS.—

6 (A) IN GENERAL.—If the Administrator
7 enters into a cooperative agreement or memo-
8 randum of understanding described in para-
9 graph (1), the Administrator may require the
10 other party to the agreement or memorandum
11 to provide payment to the Administrator.

12 (B) DEPOSIT.—Any amounts received as a
13 payment under subparagraph (A) shall be de-
14 posited into the State and Tribal Assistance
15 Grants account of the Environmental Protec-
16 tion Agency and shall remain available, without
17 further appropriation, to carry out the purposes
18 of this title.

19 (5) PERSONNEL; SERVICES; TECHNICAL ASSIST-
20 ANCE.—The Administrator may provide or accept
21 personnel, services, and technical assistance pursu-
22 ant to a cooperative agreement or memorandum of
23 understanding described in paragraph (1), with or
24 without reimbursement, for the purposes of carrying
25 out the agreement or memorandum.

1 **SEC. 204. WATER QUALITY ACTION PLAN.**

2 (a) DEVELOPMENT.—

3 (1) IN GENERAL.—The Administrator, in con-
4 sultation with the entities described in section
5 203(c), shall develop an action plan for the purpose
6 of improving and protecting the water quality of the
7 New River watershed.

8 (2) REQUIREMENTS.—The action plan under
9 paragraph (1) shall—

10 (A) build on and incorporate any existing
11 efforts and plans to improve and protect the
12 water quality of the New River, whether ongo-
13 ing or completed; and

14 (B) include—

15 (i) such features as are needed to im-
16 prove and protect the quality of waste-
17 water, stormwater runoff, and other un-
18 treated flows;

19 (ii) criteria for selecting—

20 (I) water quality restoration and
21 protection projects; and

22 (II) projects on the priority list
23 under subsection (c)(1);

24 (iii) the amounts necessary for the op-
25 erations and maintenance of infrastructure

1 existing on and constructed after the date
 2 of enactment of this Act; and

3 (iv) potential sources of funding to
 4 help pay the costs described in clause (iii).

5 (3) OPERATIONS AND MAINTENANCE FUND-
 6 ING.—

7 (A) IN GENERAL.—In developing the ac-
 8 tion plan under paragraph (1), the Adminis-
 9 trator, working with the entities described in
 10 section 203(c), shall assess and identify poten-
 11 tial alternative sources and approaches for fi-
 12 nancing infrastructure projects, including fi-
 13 nancing the operations and maintenance of
 14 those infrastructure projects.

15 (B) REQUIREMENT.—In carrying out sub-
 16 paragraph (A), the Administrator shall assess
 17 the approaches identified in the report of the
 18 Environmental Financial Advisory Board enti-
 19 tled “Evaluating Stormwater Infrastructure
 20 Funding and Financing” and dated March
 21 2020.

22 (b) ISSUANCE; UPDATES.—The Administrator
 23 shall—

1 (1) not later than 1 year after the date of en-
2 actment of this Act, issue the action plan under sub-
3 section (a)(1); and

4 (2) every 5 years after the date on which the
5 action plan is issued under paragraph (1), update
6 the action plan.

7 (c) PRIORITY LIST.—

8 (1) IN GENERAL.—The action plan under sub-
9 section (a)(1) shall include a priority list of potential
10 or proposed water quality restoration and protection
11 projects for the New River watershed that—

12 (A) provides for the management of waste-
13 water or stormwater or the removal of debris,
14 sediment, chemicals, bacteria, and other con-
15 taminants from the water flowing north into the
16 United States;

17 (B) estimates the costs and identifies the
18 entities that will fund the construction, oper-
19 ation, and maintenance of each project on the
20 priority list;

21 (C) is developed in coordination with the
22 entities described in section 203(c);

23 (D) assists agencies to coordinate funding;
24 and

25 (E) identifies projects—

- 1 (i) in the New River watershed; and
2 (ii) that address transboundary flows
3 that affect coastal communities in and
4 near the New River watershed.

5 (2) DEVELOPMENT.—In developing the priority
6 list under paragraph (1), the Administrator shall—

7 (A) use the best available science, includ-
8 ing any relevant findings and recommendations
9 of a watershed assessment conducted by Fed-
10 eral, State, and local agencies;

11 (B) carry out and fund science develop-
12 ment, monitoring, or modeling as needed to in-
13 form project development and assessment; and

14 (C) include, in order of priority, potential
15 or proposed water quality or stormwater
16 projects for the restoration and protection of
17 the New River that—

18 (i) would help—

19 (I) to achieve and maintain the
20 water quality standards for—

21 (aa) public health;

22 (bb) recreational opportuni-
23 ties;

24 (cc) scenic resources; and

1 (dd) wildlife and habitat;
2 and

3 (II) to address water needs in the
4 New River watershed, including
5 through water reuse and water recycling; and

6
7 (ii) would identify responsible agencies
8 and funding sources through coordinated
9 efforts by the entities described in section
10 203(c).

11 **SEC. 205. GRANTS, INTERAGENCY AND OTHER AGREEMENTS, AND ASSISTANCE.**
12

13 (a) IN GENERAL.—In order to carry out the purposes
14 of the program as described in section 201(b) and implement
15 priority projects identified under section 204(c), the
16 Administrator may—

17 (1) provide grants and technical assistance to
18 the Commissioner, State and local governments,
19 Tribal governments, the North American Development
20 Bank, entities described in section 203(c)(9),
21 nonprofit organizations, and institutions of higher
22 education, in both the United States and Mexico;
23 and

24 (2) enter into interagency agreements with
25 other Federal agencies.

1 (b) CRITERIA.—The Administrator, in consultation
 2 with the entities described in section 203(c), shall develop
 3 criteria for providing grants and technical assistance and
 4 entering into interagency agreements under subsection (a)
 5 to ensure that activities carried out under an interagency
 6 agreement or using those grants or technical assistance—

7 (1) accomplish 1 or more of the purposes iden-
 8 tified in section 201(b); and

9 (2) advance the implementation of priority
 10 projects identified under section 204(c).

11 (c) COST SHARING.—The Administrator may estab-
 12 lish a Federal share requirement for any project carried
 13 out using any assistance provided under this section on
 14 an individual project basis.

15 (d) ADMINISTRATION.—

16 (1) IN GENERAL.—The Administrator may
 17 enter into an agreement to manage the implementa-
 18 tion of this section with the North American Devel-
 19 opment Bank or a similar organization that offers
 20 grant management services.

21 (2) FUNDING.—If the Administrator enters into
 22 an agreement under paragraph (1), the organization
 23 selected shall—

24 (A) for each fiscal year, receive amounts to
 25 carry out this section in an advance payment of

1 the entire amount on the date of enactment of
 2 an appropriations Act making appropriations to
 3 the Administrator for a fiscal year, or as soon
 4 as practicable thereafter; and

5 (B) otherwise administer the implementa-
 6 tion of this section to support partnerships be-
 7 tween the public and private sectors in accord-
 8 ance with this title.

9 (e) CONSTRUCTION, OPERATION, AND MAINTENANCE.—The Commissioner may construct, operate, and
 10 maintain any project carried out using funds made avail-
 11 able to carry out this section.

12 (f) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) IN GENERAL.—There is authorized to be
 14 appropriated to the Administrator to carry out this
 15 section \$50,000,000 for each of fiscal years 2025
 16 through 2035, to remain available until expended.

17 (2) SET ASIDE.—Of amounts made available to
 18 carry out this section, the Administrator may use
 19 not more than 5 percent for grants under this sec-
 20 tion for salaries, expenses, and administration.

21 (3) TRANSFER.—The Administrator may trans-
 22 fer amounts made available under this subsection to
 23 the Commissioner as the Administrator determines
 24 necessary to carry out this section.
 25

1 **SEC. 206. ANNUAL BUDGET PLAN.**

2 The President, as part of the annual budget submis-
3 sion of the President to Congress under section 1105(a)
4 of title 31, United States Code, shall submit estimated ex-
5 penditures and proposed appropriations for projects under
6 this title, including administrative needs and expenses, for
7 the current year, budget year, and 5 outyears (as those
8 terms are defined in section 250(c) of the Balanced Budg-
9 et and Emergency Deficit Control Act of 1985 (2 U.S.C.
10 900(c)), including for projects included in the priority list
11 under section 204(c), for each Federal agency described
12 in section 203(c)(1).

13 **SEC. 207. REPORTS.**

14 Not later than 1 year after the date of enactment
15 of this Act, and every 2 years thereafter, the Adminis-
16 trator shall submit to Congress a report on the implemen-
17 tation of this title, including—

18 (1) a description of—

19 (A) each project that has received funding
20 pursuant to this title; and

21 (B) the status of all projects that have re-
22 ceived funding pursuant to this title that are in
23 progress on the date of submission of the re-
24 port; and

1 (2) an assessment of the effectiveness of the op-
 2 eration and maintenance of each project that has
 3 been carried out pursuant to this title.

4 **TITLE III—BORDER WATER IN-**
 5 **FRASTRUCTURE IMPROVE-**
 6 **MENT**

7 **SEC. 301. UNITED STATES-MEXICO BORDER WATER INFRA-**
 8 **STRUCTURE PROGRAM.**

9 (a) DEFINITIONS.—In this section:

10 (1) ELIGIBLE ENTITY.—The term “eligible enti-
 11 ty” means the United States Section of the Inter-
 12 national Boundary and Water Commission, a State,
 13 a local government, an Indian Tribe, or a water or
 14 wastewater district with jurisdiction over any area in
 15 the United States or Mexico that is located within
 16 100 kilometers of the United States-Mexico border.

17 (2) ELIGIBLE PROJECT.—

18 (A) IN GENERAL.—The term “eligible
 19 project” means a project for the construction of
 20 infrastructure for drinking water treatment or
 21 distribution, wastewater management, or
 22 stormwater management, including natural and
 23 green infrastructure and infrastructure for
 24 water reuse and water recycling, that—

1 (i) addresses an existing human
2 health or ecological issue;

3 (ii) has an effect in the United States;

4 (iii) with respect to wastewater man-
5 agement infrastructure the water dis-
6 charged from which will flow, directly or
7 indirectly, into the United States, is de-
8 signed to meet, to the maximum extent
9 practicable, all relevant water quality
10 standards of the country in which the
11 project is located, including, for projects
12 located in the United States, any applica-
13 ble standards established under the Fed-
14 eral Water Pollution Control Act (33
15 U.S.C. 1251 et seq.);

16 (iv) is proposed by an eligible entity
17 with legal authority—

18 (I) to develop the project;

19 (II) to provide the proposed
20 drinking water or wastewater services;
21 and

22 (III) to obtain necessary financ-
23 ing, including operations and mainte-
24 nance funding;

(v) will comply with relevant State and local environmental and other laws (including regulations), including with respect to—

(I) obtaining any necessary operating permits and licenses; and

(II) complying with any other regulatory requirements related to land acquisition and rights-of-way; and

(vi) has the support of appropriate Mexican Federal and State agencies, including the Comision Nacional del Agua (commonly known as “CONAGUA” or the Mexican National Water Commission) and any appropriate State or municipal water utility, if the project is located in Mexico.

(B) EXCLUSIONS.—The term “eligible project” does not include a project—

(i) for new water supply;

(ii) that threatens an ecosystem located in the United States, or that is located in both the United States and Mexico, if the project causes a reduction in the flow of water; or

1 (iii) to provide drinking water, waste-
2 water, or stormwater services to enable
3 new development.

4 (3) PROGRAM.—The term “program” means
5 the program established under subsection (b).

6 (b) ESTABLISHMENT.—The Administrator shall
7 carry out a program to provide financial assistance, tech-
8 nical assistance, or a combination of financial and tech-
9 nical assistance to eligible entities for activities related to
10 eligible projects, including feasibility studies, planning
11 studies, environmental assessments, financial analyses,
12 community participation efforts, and architectural, engi-
13 neering, planning, design, construction, and operations
14 and maintenance activities.

15 (c) CONSULTATION.—In carrying out the program,
16 the Administrator shall consult with the North American
17 Development Bank.

18 (d) COORDINATION.—In carrying out the program,
19 the Administrator shall coordinate with Federal, State,
20 local, and Tribal entities in the border region, including
21 the Department of Homeland Security, the International
22 Boundary and Water Commission, and relevant State
23 agencies.

24 (e) PROJECT SELECTION.—

1 (1) IN GENERAL.—In selecting projects for
2 which to provide assistance under the program, the
3 Administrator shall select projects in accordance
4 with—

5 (A) paragraph (2); and

6 (B) any other criteria determined appro-
7 priate by the Administrator.

8 (2) PRIORITIZATION.—In carrying out para-
9 graph (1), the Administrator shall prioritize projects
10 that—

11 (A) are identified in an action plan under
12 section 104(a)(1) or 204(a)(1); or

13 (B)(i) are likely to have the greatest posi-
14 tive effects relating to the environment and
15 public health;

16 (ii) will result in benefits on the United
17 States side of the United States-Mexico border;

18 (iii) address the most urgent public health
19 and environmental needs, as determined by the
20 heads of the Regional offices for Regions 6 and
21 9 of the Environmental Protection Agency; and

22 (iv) maximize sustainable practices, such
23 as water reuse and water recycling, natural and
24 green infrastructure, water efficiency, and con-
25 servation.

1 (f) TERMS AND CONDITIONS.—The Administrator
 2 may establish such terms and conditions on assistance
 3 provided under the program as the Administrator deter-
 4 mines appropriate.

5 (g) COST SHARE.—The Administrator may establish
 6 a Federal share requirement for any project carried out
 7 using any assistance provided under this section on an in-
 8 dividual project basis.

9 **TITLE IV—MISCELLANEOUS**

10 **SEC. 401. ROLE OF THE COMMISSIONER AND INTER-** 11 **NATIONAL AGREEMENTS.**

12 (a) WASTEWATER AND STORMWATER AUTHORITY.—
 13 The Commissioner may study, design, construct, operate,
 14 and maintain projects to manage, improve, and protect the
 15 quality of wastewater, stormwater runoff, and other un-
 16 treated flows in the Tijuana River watershed and the New
 17 River watershed.

18 (b) TIJUANA AND NEW RIVER PROJECTS WITHIN
 19 THE UNITED STATES.—The Secretary, acting through the
 20 Commissioner, shall—

21 (1) construct, operate, and maintain projects
 22 that—

23 (A) are on a priority list developed under
 24 section 104(c) or 204(c);

25 (B) are within the United States; and

1 (C) improve the water quality of the Ti-
2 juana River watershed or the New River water-
3 shed, as applicable; and

4 (2) use available funds, including funds received
5 under this Act, to construct, operate, and maintain
6 the projects described in paragraph (1).

7 (c) AGREEMENTS WITH MEXICO.—The Secretary,
8 acting through the Commissioner, may execute an agree-
9 ment with the appropriate official or officials of the Gov-
10 ernment of Mexico for—

11 (1) the joint study and design of stormwater
12 control and water quality projects; and

13 (2) on approval of the necessary plans and
14 specifications of the projects described in paragraph
15 (1), the construction, operation, and maintenance of
16 those projects by the United States and Mexico, in
17 accordance with the treaty relating to the utilization
18 of the waters of the Colorado and Tijuana Rivers,
19 and of the Rio Grande (Rio Bravo) from Fort
20 Quitman, Texas, to the Gulf of Mexico, and supple-
21 mentary protocol, signed at Washington February 3,
22 1944 (59 Stat. 1219), between the United States
23 and Mexico.

1 (d) FUNDING.—A project located wholly or partially
2 within Mexico shall be eligible for funding under a pro-
3 gram established under title I, II, or III if the project is—

4 (1) identified under and consistent with an ac-
5 tion plan under section 104(a)(1) or 204(a)(1); and

6 (2) approved by the Administrator.

7 (e) SAVINGS PROVISION.—Nothing in this section
8 limits the authority of the International Boundary and
9 Water Commission under this Act or any other provision
10 of law.

