

116TH CONGRESS  
1ST SESSION

# H. R. 4039

To require the Administrator of the Environmental Protection Agency to carry out a program to fund water infrastructure projects near the United States-Mexico border, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2019

Mr. LEVIN of California (for himself, Mr. VARGAS, Mrs. DAVIS of California, and Mr. PETERS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To require the Administrator of the Environmental Protection Agency to carry out a program to fund water infrastructure projects near the United States-Mexico border, 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 “Border Water Infra-  
5 structure Improvement Act”.

1 **SEC. 2. U.S.-MEXICO BORDER WATER INFRASTRUCTURE**  
2 **PROGRAM.**

3 (a) DEFINITIONS.—In this section:

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

7 (2) ELIGIBLE ENTITY.—The term “eligible enti-  
8 ty” means a State, local government, Indian Tribe,  
9 or water or wastewater district, with jurisdiction  
10 over any area in the United States or Mexico that  
11 is located within 100 kilometers of the United  
12 States-Mexico border.

13 (3) ELIGIBLE PROJECT.—

14 (A) IN GENERAL.—The term “eligible  
15 project” means a project for the construction of  
16 a drinking water treatment or distribution facil-  
17 ity, or a wastewater management facility,  
18 that—

19 (i) addresses an existing human  
20 health or ecological issue;

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

22 (iii) with respect to a wastewater  
23 management facility the water discharged  
24 from which will flow, directly or indirectly,  
25 into the United States, is designed to meet  
26 relevant water quality standards in the

1 United States, including any such stand-  
2 ards established under the Federal Water  
3 Pollution Control Act;

4 (iv) is proposed by an eligible entity  
5 with legal authority to develop the project,  
6 provide the proposed drinking water or  
7 wastewater services, and obtain necessary  
8 financing;

9 (v) will comply with relevant State  
10 and local environmental and other laws  
11 and regulations, including with respect to  
12 obtaining any necessary operating permits  
13 and licenses and complying with any other  
14 regulatory requirements related to land ac-  
15 quisition and rights-of-way; and

16 (vi) has the support of appropriate  
17 Federal and State agencies, including the  
18 Comision Nacional de Agua (also known as  
19 CONAGUA or the Mexican National  
20 Water Commission) and any appropriate  
21 State water utility, if located in Mexico.

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

24 (i) for water supply;

1                   (ii) that threatens ecosystems located  
2                   in the United States, or that are located in  
3                   both the United States and Mexico, if the  
4                   project causes reductions in the flow of  
5                   water; or

6                   (iii) to provide drinking water or  
7                   wastewater services to new development.

8           (b) IN GENERAL.—The Administrator shall carry out  
9 a program to provide assistance to eligible entities for ac-  
10 tivities related to eligible projects, including feasibility  
11 studies, planning studies, environmental assessments, fi-  
12 nancial analyses, community participation efforts, and ar-  
13 chitectural, engineering, planning, design, and construc-  
14 tion activities.

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

18           (d) PROJECT SELECTION.—

19               (1) IN GENERAL.—In carrying out subsection  
20 (b), the Administrator shall select projects to receive  
21 assistance under the program in accordance with  
22 paragraph (2) and any other criteria determined ap-  
23 propriate by the Administrator.

1           (2) PRIORITIZATION.—In carrying out sub-  
2           section (b), the Administrator shall prioritize  
3           projects that—

4                   (A) are likely to have the greatest positive  
5                   effects relating to the environment, public  
6                   health, or responding to unmet water supply  
7                   needs;

8                   (B) will result in benefits on both sides of  
9                   the United States-Mexico border; and

10                   (C) address the most urgent public health  
11                   and environmental needs, as determined by the  
12                   heads of the Regional offices for Regions 6 and  
13                   9 of the Environmental Protection Agency.

14           (e) TERMS AND CONDITIONS.—The Administrator  
15           may set such terms and conditions on assistance provided  
16           under this section as the Administrator determines appro-  
17           priate.

18           (f) COST SHARE.—

19                   (1) REQUIREMENT FOR CERTAIN PROJECTS.—  
20                   The Federal share of the cost of an eligible project  
21                   located in Mexico shall be 50 percent.

22                   (2) EXEMPTION.—During the 5-year period be-  
23                   ginning on the date of enactment of this section, the  
24                   Administrator may waive the requirement of para-  
25                   graph (1) if the Administrator, in consultation with

1 the Secretary of Defense and the Secretary of  
2 Homeland Security, finds that the project will re-  
3 duce negative health effects on Federal law enforce-  
4 ment or Department of Defense personnel.

5 (g) FUNDING.—

6 (1) AUTHORIZATION OF APPROPRIATIONS.—

7 There are authorized to be appropriated to the Ad-  
8 ministrator to carry out this section \$150,000,000  
9 for each of fiscal years 2020 through 2024.

10 (2) REGIONAL ALLOCATIONS.—The amounts  
11 made available to carry out this section shall be  
12 made available in equal amounts for use by the Re-  
13 gional offices for Regions 6 and 9 of the Environ-  
14 mental Protection Agency.

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