

116TH CONGRESS  
2D SESSION

# H. R. 7991

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

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 7, 2020

Mr. VARGAS (for himself, Mrs. DAVIS of California, Mr. PETERS, Mr. LEVIN of California, and Mr. RUIZ) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Natural Resources, Foreign Affairs, and the Budget, 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 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 of  
6 2020”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 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 plan.
- Sec. 105. Grants, 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 plan.
- Sec. 205. Grants, 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.**

1           (3) MEXICAN.—The term “Mexican” means, as  
2 applicable, the Federal, State, and local governments  
3 of Mexico.

4           (4) 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           (5) SECRETARY.—The term “Secretary” means  
10 the Secretary of State.

11           (6) 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           (7) 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 if the natural beauty and recreational  
4 opportunities of the Tijuana River are degraded;

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

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

17 (8) as reported by the Government Account-  
18 ability Office in February 2020, transboundary flows  
19 of untreated sewage, combined with unmanaged  
20 stormwater, bring bacteria and other contaminants  
21 into the Tijuana River Valley watershed and beaches  
22 in the United States;

23 (9) sediment flows into the Tijuana River Na-  
24 tional Wildlife Refuge and blocks the flow of ocean

1 water and creating an imbalance in water salinity,  
2 necessary for marsh plants, fish, and birds;

3 (10) the City of Imperial Beach has closed  
4 beach access  $\frac{1}{3}$  of each year for several years before  
5 the date of enactment of this Act due to risk to  
6 human health;

7 (11) flows of untreated sewage, chemicals, and  
8 pollution from Mexico jeopardize the health of Bor-  
9 der Patrol agents and limiting the ability of those  
10 agents to operate in areas affected by these flows;

11 (12) in the 2 years before the date of enact-  
12 ment of this Act, local Border Patrol union officials  
13 have reported that over 100 officers have suffered  
14 from contamination, rashes, infections, chemical  
15 burns, and lung irritation due to toxic cross-border  
16 flows;

17 (13) 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                   (14) 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                   (15) 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                   (16) the International Boundary and Water  
24                   Commission has negotiated 8 minutes to resolve

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

3 (17) 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 (18) 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 (19) in February 2017, 1 of the main sewer col-  
14 lectors of Tijuana broke, sending an estimated  
15 143,000,000 gallons of raw sewage into the United  
16 States, which was not the only time such a break oc-  
17 curred;

18 (20) from February to July of 2019, an esti-  
19 mated 4,500,000,000 gallons of wastewater, treated  
20 water, and stormwater flowed from Mexico to the  
21 United States;

22 (21) in June and July 2019, there were 3 sewer  
23 collector breaks, resulting in a total discharge of raw  
24 sewage of almost 2,000,000 gallons;



1           (22) a 2019 study entitled “Tijuana River Di-  
2           version Study: Flow Estimates, Infrastructure Diag-  
3           nostic, and Alternatives Development” estimated  
4           that from 2009 through 2016, transboundary flows  
5           occurred on average 138 days each year;

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

10          (24) the study described in paragraph (22)—

11           (A) found that improving the operational  
12           reliability of the existing diversion system of the  
13           South Bay could reduce the number of days  
14           that transboundary flows occurred; but

15           (B) estimated that there would still be on  
16           average 90 days of transboundary flows each  
17           year;

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

24          (26) because of the international border and  
25          different treatment systems and standards, dis-

1 charges in Mexico to the Tijuana River are not  
2 treated to the same standards as the standards to  
3 which discharges would be treated in the United  
4 States;

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

9 (28) the United States has—

10 (A) invested at least \$250,000,000 for sec-  
11 ondary wastewater treatment in the Tijuana  
12 River Valley by the International Boundary and  
13 Water Commission; and

14 (B) paid \$18,000,000 to operate and  
15 maintain the plant in fiscal year 2018;

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

20 (30) however, as the Government Accountability  
21 Office found in the report described in paragraph  
22 (8), the long-standing environmental and health  
23 problems associated with transboundary stormwater  
24 flows continue, while the International Boundary  
25 and Water Commission has not taken actions to re-

1 solve existing problems by proposing and analyzing  
2 alternatives, analyzing costs, identifying solutions, or  
3 establishing time frames; and

4 (31) significant additional investment from  
5 Federal, State, local, and Mexican resources is need-  
6 ed to improve the water quality of the Tijuana River  
7 watershed.

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

9 (1) to establish a program to plan and imple-  
10 ment water quality restoration and protection activi-  
11 ties;

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

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

23 **SEC. 102. DEFINITIONS.**

24 In this title:

1           (1) AMERICAN TIJUANA RIVER WATERSHED.—  
2           The term “American Tijuana River watershed”  
3           means the portion of the Tijuana River watershed  
4           that lies in the United States.

5           (2) MEXICAN TIJUANA RIVER WATERSHED.—  
6           The term “Mexican Tijuana River watershed”  
7           means the portion of the Tijuana River watershed  
8           that lies in Mexico.

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

13          (4) WATER QUALITY RESTORATION AND PRO-  
14          TECTION.—The term “water quality restoration and  
15          protection”, with respect to the Tijuana River water-  
16          shed, means—

17                 (A) the enhancement of water quality and  
18                 stormwater management; and

19                 (B) the use of natural and green infra-  
20                 structure to enhance the ability of the water-  
21                 shed to capture pollutants and reduce runoff to  
22                 prevent flooding.

1 **SEC. 103. TIJUANA RIVER PUBLIC HEALTH AND WATER**  
2 **QUALITY RESTORATION PROGRAM.**

3 (a) ESTABLISHMENT.—Not later than 180 days after  
4 the date of enactment of this Act, the Administrator shall  
5 establish a program, to be known as the “Tijuana River  
6 Public Health and Water Quality Restoration Program”.

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

9 (1) carry out projects, plans, and initiatives for  
10 the Tijuana River and work in consultation with ap-  
11 plicable management entities, including representa-  
12 tives of the Federal Government, State and local  
13 governments, and regional and nonprofit organiza-  
14 tions, to carry out public health and water quality  
15 restoration and protection activities relating to the  
16 Tijuana River;

17 (2) carry out activities that—

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

23 (B) support the implementation of a  
24 shared set of science-based water quality res-  
25 toration and protection activities identified in  
26 accordance with paragraph (1), including water

1 reuse projects, water recycling projects, and  
2 natural and green infrastructure projects;

3 (C) target cost-effective projects with  
4 measurable results; and

5 (D) maximize public health and water  
6 quality conservation outcomes;

7 (3) coordinate the development of consistent  
8 Federal policies, strategies, projects, and priorities  
9 for addressing the public health and water quality  
10 restoration and protection of the Tijuana River;

11 (4) coordinate a funding strategy among avail-  
12 able funding sources in the region; and

13 (5) provide grants, agreements, and technical  
14 assistance in accordance with section 105.

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

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

18 (A) the Secretary;

19 (B) the Commissioner;

20 (C) the Secretary of Agriculture;

21 (D) the Secretary of Homeland Security;

22 (E) the Administrator of General Services;

23 (F) the Commissioner of U.S. Customs  
24 and Border Protection;

25 (G) the Secretary of the Interior;

1 (H) the Secretary of the Army, acting  
2 through the Chief of Engineers;

3 (I) the Administrator of the National Ocea-  
4 nic and Atmospheric Administration;

5 (J) the Director of the United States Fish  
6 and Wildlife Service; and

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

9 (2) the heads of State agencies, including—

10 (A) the Governor of California;

11 (B) the California Environmental Protec-  
12 tion Agency;

13 (C) the California State Water Resources  
14 Control Board;

15 (D) the California Department of Water  
16 Resources; and

17 (E) the San Diego Regional Water Quality  
18 Control Board;

19 (3) 2 representatives of affected units of local  
20 government in the State, chosen on a rotating 3-year  
21 cycle by the Governor of California, including rep-  
22 resentatives from the City of Imperial Beach, the  
23 City of San Diego, the City of Chula Vista, the City  
24 of Coronado, the Port of San Diego, and the County  
25 of San Diego;

1           (4) 2 representatives of relevant nonprofit  
2 groups, chosen on a rotating 3-year cycle by the  
3 Governor of California;

4           (5) other public agencies and organizations with  
5 authority for the planning and implementation of  
6 conservation strategies relating to the Tijuana River  
7 in the United States and Mexico, as determined by  
8 the Administrator; and

9           (6) representatives of the North American De-  
10 velopment Bank.

11       (d) COOPERATIVE AGREEMENTS AND MEMORANDA  
12 OF UNDERSTANDING.—

13           (1) IN GENERAL.—To achieve the purposes of  
14 this title and to ensure effective coordination of Fed-  
15 eral and non-Federal water quality restoration and  
16 protection activities, the Administrator shall use  
17 amounts made available for the border water infra-  
18 structure program under section 301 and payments  
19 received pursuant to paragraph (4)(A) to enter into  
20 cooperative agreements and memoranda of under-  
21 standing with, and provide technical assistance to—

22           (A) the heads of other Federal agencies,  
23 States, State agencies, units of local govern-  
24 ment, regional governmental bodies, and private  
25 entities; and



1 (B) in cooperation with the Secretary, the  
2 Government of Mexico.

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

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

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

19 (i) identify the parties responsible for  
20 the projects; and

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

24 (3) TERM.—The cooperative agreements and  
25 memoranda of understanding described in paragraph

1 (1) shall be limited to a specified period of time, as  
2 determined by the Administrator.

3 (4) FINANCIAL ARRANGEMENTS.—

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

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

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

24 **SEC. 104. WATER QUALITY PLAN.**

25 (a) DEVELOPMENT.—

1           (1) IN GENERAL.—The Administrator, in con-  
2           sultation with the entities described in section  
3           103(c), shall develop a plan for the purpose of im-  
4           proving and protecting the water quality of the Ti-  
5           juana River watershed.

6           (2) REQUIREMENTS.—The plan under para-  
7           graph (1) shall—

8                   (A) build on and incorporate any existing  
9                   efforts and plans to improve and protect the  
10                  water quality of the Tijuana River watershed,  
11                  including ongoing and completed efforts and  
12                  plans; and

13                  (B) include—

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

18                           (ii) criteria for selecting—

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

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

23                           (iii) the amounts necessary for the op-  
24                           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.—The Administrator,  
8 working with the entities described in section  
9 103(c), shall assess and identify potential alter-  
10 native sources and approaches for financing in-  
11 frastructure projects, including financing the  
12 operations and maintenance of those infrastruc-  
13 ture projects.

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

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

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

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

3           (c) PRIORITY LIST.—

4           (1) IN GENERAL.—The plan under subsection  
5 (a)(1) shall include a priority list of potential or pro-  
6 posed water quality restoration and protection  
7 projects for the Tijuana River watershed that—

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

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

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

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

21           (E) identifies projects—

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

24           (ii) in the American Tijuana River  
25 watershed; and

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

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

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

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

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

17 (i) would help—

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

20 (aa) public health;

21 (bb) recreational opportuni-  
22 ties;

23 (cc) scenic resources; and

24 (dd) wildlife and habitat;

25 and

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

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

9 **SEC. 105. GRANTS, AGREEMENTS, AND ASSISTANCE.**

10 (a) IN GENERAL.—In order to carry out the purposes  
11 of the program as described in section 101(b), the Administrator may—  
12

13 (1) provide grants and technical assistance to  
14 the Commissioner, State and local governments,  
15 nonprofit organizations, and institutions of higher  
16 education, in both the United States and Mexico;  
17 and

18 (2) enter into interagency agreements with  
19 other Federal agencies.

20 (b) CRITERIA.—The Administrator, in consultation  
21 with the entities described in section 103(e), shall develop  
22 criteria for providing grants and technical assistance and  
23 entering into interagency agreements under subsection (a)  
24 to ensure that activities carried out under an interagency  
25 agreement or using those grants or technical assistance—

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

3           (2) advance the implementation of priority  
4           projects identified under section 104(c).

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

9           (d) ADMINISTRATION.—

10           (1) IN GENERAL.—The Administrator may  
11           enter into an agreement to manage the implementa-  
12           tion of this section with the North American Devel-  
13           opment Bank or a similar organization that offers  
14           grant management services.

15           (2) FUNDING.—If the Administrator enters into  
16           an agreement under paragraph (1), the organization  
17           selected shall—

18                   (A) for each fiscal year, receive amounts to  
19                   carry out this section in an advance payment of  
20                   the entire amount on the date of enactment of  
21                   an appropriations Act making appropriations to  
22                   the Administrator for a fiscal year, or as soon  
23                   as practicable thereafter; and

24                   (B) otherwise administer the implementa-  
25                   tion of this section to support partnerships be-



1           tween the public and private sectors in accord-  
2           ance with this title.

3           (e) CONSTRUCTION, OPERATION, AND MAINTENANCE.—The Commissioner may construct, operate, and  
4           maintain any project carried out using funds made avail-  
5           able to carry out this section.  
6

7 **SEC. 106. ANNUAL BUDGET PLAN.**

8           The President, as part of the annual budget submis-  
9           sion of the President to Congress under section 1105(a)  
10          of title 31, United States Code, shall submit estimated ex-  
11          penditures and proposed appropriations for projects under  
12          this title for the current year, the budget year, and 5 out-  
13          years (as those terms are defined in section 250(c) of the  
14          Balanced Budget and Emergency Deficit Control Act of  
15          1985 (2 U.S.C. 900(c))), including for projects included  
16          in the priority list under section 104(c), for each Federal  
17          agency described in section 103(c)(1).

18 **SEC. 107. REPORTS.**

19          Not later than 180 days after the date of enactment  
20          of this Act, and every 2 years thereafter, the Adminis-  
21          trator shall submit to Congress a report on the implemen-  
22          tation of this title, including—

23                 (1) a description of—

24                         (A) each project that has received funding  
25                         pursuant to this title; and

1 (B) the status of all projects that have re-  
2 ceived funding pursuant to this title that are in  
3 progress on the date of submission of the re-  
4 port; and

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

8 **TITLE II—NEW RIVER PUBLIC**  
9 **HEALTH AND WATER QUAL-**  
10 **ITY RESTORATION**

11 **SEC. 201. FINDINGS; PURPOSE.**

12 (a) FINDINGS.—Congress finds that—

13 (1) the New River was born out of—

14 (A) occasional flows of the Colorado River  
15 into the Salton Sink; and

16 (B) the erosion of the New River channel,  
17 which formed the deep river canyon between  
18 1905 and 1907;

19 (2) the New River—

20 (A) starts in Mexicali, Mexico;

21 (B) flows north into the United States  
22 through Calexico;

23 (C) passes through the Imperial Valley;  
24 and

1 (D) drains into the Salton Sea approxi-  
2 mately 66 miles north of the international  
3 boundary;

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

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

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

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

20 (A) established a sanitation strategy for  
21 the water quality problems of the New River at  
22 the international border; and

23 (B) divided sanitation projects into 2 im-  
24 mediate repair projects, the Mexicali I and  
25 Mexicali II, that—

1 (i) totaled approximately  
2 \$50,000,000; and

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

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

11 (8) in the late 1990s—

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

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

24 (9) a 10-year effort by community groups, law-  
25 yers, regulatory agencies, and politicians addressed

1 the problem of water quality in the New River at the  
2 source by—

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

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

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

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

13 (B) to develop a river parkway suitable for  
14 public use;

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

20 (12) in 2016, the New River Improvement  
21 Project Technical Advisory Committee revised the  
22 recommended infrastructure of the New River Im-  
23 provement Project, and the State of California ap-  
24 propriated \$1,400,000 to provide grants or contracts

1 to carry out the necessary planning, design, environ-  
2 mental review, and permitting work;

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

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

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

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

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

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

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

1 (C) to sustain and enhance water manage-  
2 ment for volume and flood damage mitigation  
3 improvements to benefit fish and wildlife habi-  
4 tat;

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

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

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

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

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

1 **SEC. 202. DEFINITIONS.**

2 In this title:

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

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

11 (A) the enhancement of water quality and  
12 stormwater management; and

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

17 **SEC. 203. CALIFORNIA NEW RIVER PUBLIC HEALTH AND**  
18 **WATER QUALITY RESTORATION PROGRAM.**

19 (a) ESTABLISHMENT.—Not later than 180 days after  
20 the date of enactment of this Act, the Administrator shall  
21 establish a program, to be known as the “California New  
22 River Public Health and Water Quality Restoration Pro-  
23 gram”.

24 (b) DUTIES.—In carrying out the program, the Ad-  
25 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 and to ensure effective coordination of Fed-  
22 eral and non-Federal water quality restoration and  
23 protection activities, the Administrator shall use  
24 amounts made available for the border water infra-  
25 structure program under section 301 and payments

1 received pursuant to paragraph (4)(A) to enter into  
2 cooperative agreements and memoranda of under-  
3 standing with, and provide technical assistance to—

4 (A) the heads of other Federal agencies,  
5 States, State agencies, units of local govern-  
6 ment, regional governmental bodies, and private  
7 entities; and

8 (B) in cooperation with the Secretary, the  
9 Government of Mexico.

10 (2) USE OF AGREEMENTS.—The Administrator  
11 shall enter into the cooperative agreements and  
12 memoranda of understanding described in paragraph  
13 (1)—

14 (A) to carry out the activities described in  
15 this section, including studies, plans, construc-  
16 tion, and completion of projects to improve the  
17 water quality of, environment of, and public  
18 health around the New River; and

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

1 (i) identify the parties responsible for  
2 the projects; and

3 (ii) provide funds to those parties for  
4 the operations and maintenance of the  
5 projects.

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

10 (4) FINANCIAL ARRANGEMENTS.—

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

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

24 (5) PERSONNEL; SERVICES; TECHNICAL ASSIST-  
25 ANCE.—The Administrator may provide or accept

1 personnel, services, and technical assistance pursu-  
2 ant to a cooperative agreement or memorandum of  
3 understanding described in paragraph (1), with or  
4 without reimbursement, for the purposes of carrying  
5 out the agreement or memorandum.

6 **SEC. 204. WATER QUALITY PLAN.**

7 (a) DEVELOPMENT.—

8 (1) IN GENERAL.—The Administrator, in con-  
9 sultation with the entities described in section  
10 203(c), shall develop a plan for the purpose of im-  
11 proving and protecting the water quality of the New  
12 River watershed.

13 (2) REQUIREMENTS.—The plan under para-  
14 graph (1) shall—

15 (A) build on and incorporate any existing  
16 efforts and plans to improve and protect the  
17 water quality of the New River, whether ongo-  
18 ing or completed; and

19 (B) include—

20 (i) such features as are needed to im-  
21 prove and protect the quality of waste-  
22 water, stormwater runoff, and other un-  
23 treated flows;

24 (ii) criteria for selecting—

1 (I) water quality restoration and  
2 protection projects; and

3 (II) projects on the priority list  
4 under subsection (c)(1);

5 (iii) the amounts necessary for the op-  
6 erations and maintenance of infrastructure  
7 existing on and constructed after the date  
8 of enactment of this Act; and

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

11 (3) OPERATIONS AND MAINTENANCE FUND-  
12 ING.—

13 (A) IN GENERAL.—The Administrator,  
14 working with the entities described in section  
15 203(c), shall assess and identify potential alter-  
16 native sources and approaches for financing in-  
17 frastructure projects, including financing the  
18 operations and maintenance of those infrastruc-  
19 ture projects.

20 (B) REQUIREMENT.—In carrying out sub-  
21 paragraph (A), the Administrator shall assess  
22 the approaches identified in the report of the  
23 Environmental Financial Advisory Board enti-  
24 tled “Evaluating Stormwater Infrastructure

1 Funding and Financing” and dated March  
2 2020.

3 (b) ISSUANCE; UPDATES.—The Administrator  
4 shall—

5 (1) not later than 1 year after the date of en-  
6 actment of this Act, issue the plan under subsection  
7 (a)(1); and

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

10 (c) PRIORITY LIST.—

11 (1) IN GENERAL.—The plan under subsection  
12 (a)(1) shall include a priority list of potential or pro-  
13 posed water quality restoration and protection  
14 projects for the New River watershed that—

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

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

24 (C) is developed in coordination with the  
25 entities described in section 203(c);



1 (D) assists agencies to coordinate funding;

2 and

3 (E) identifies projects—

4 (i) in the New River watershed; and

5 (ii) that address transboundary flows

6 that affect coastal communities in and

7 near the New River watershed.

8 (2) DEVELOPMENT.—In developing the priority

9 list under paragraph (1), the Administrator shall—

10 (A) use the best available science, includ-

11 ing any relevant findings and recommendations

12 of a watershed assessment conducted by Fed-

13 eral, State, and local agencies;

14 (B) carry out and fund science develop-

15 ment, monitoring, or modeling as needed to in-

16 form project development and assessment; and

17 (C) include, in order of priority, potential

18 or proposed water quality or stormwater

19 projects for the restoration and protection of

20 the New River that—

21 (i) would help—

22 (I) to achieve and maintain the

23 water quality standards for—

24 (aa) public health;

- 1 (bb) recreational opportuni-  
2 ties;  
3 (cc) scenic resources; and  
4 (dd) wildlife and habitat;  
5 and  
6 (II) to address water needs in the  
7 New River watershed, including  
8 through water reuse and water recy-  
9 cling; and  
10 (ii) would identify responsible agencies  
11 and funding sources through coordinated  
12 efforts by the entities described in section  
13 203(c).

14 **SEC. 205. GRANTS, AGREEMENTS, AND ASSISTANCE.**

15 (a) IN GENERAL.—In order to carry out the purposes  
16 of the program as described in section 201(b), the Admin-  
17 istrator may—

- 18 (1) provide grants and technical assistance to  
19 the Commissioner, State and local governments,  
20 nonprofit organizations, and institutions of higher  
21 education, in both the United States and Mexico;  
22 and  
23 (2) enter into interagency agreements with  
24 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 an  
14 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

13 **SEC. 206. ANNUAL BUDGET PLAN.**

14 The President, as part of the annual budget submis-  
15 sion of the President to Congress under section 1105(a)  
16 of title 31, United States Code, shall submit estimated ex-  
17 penditures and proposed appropriations for projects under  
18 this title for the current year, budget year, and 5 outyears  
19 (as those terms are defined in section 250(c) of the Bal-  
20 anced Budget and Emergency Deficit Control Act of 1985  
21 (2 U.S.C. 900(c))), including for projects included in the  
22 priority list under section 204(c), for each Federal agency  
23 described in section 203(c)(1).

1 **SEC. 207. REPORTS.**

2 Not later than 180 days after the date of enactment  
3 of this Act, and every 2 years thereafter, the Adminis-  
4 trator shall submit to Congress a report on the implemen-  
5 tation of this title, including—

6 (1) a description of—

7 (A) each project that has received funding  
8 pursuant to this title; and

9 (B) the status of all projects that have re-  
10 ceived funding pursuant to this title that are in  
11 progress on the date of submission of the re-  
12 port; and

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

16 **TITLE III—BORDER WATER IN-**  
17 **FRASTRUCTURE IMPROVE-**  
18 **MENT**

19 **SEC. 301. UNITED STATES-MEXICO BORDER WATER INFRA-**  
20 **STRUCTURE PROGRAM.**

21 (a) DEFINITIONS.—In this section:

22 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
23 ty” means the United States Section of the Inter-  
24 national Boundary and Water Commission, a State,  
25 a local government, an Indian Tribe, or a water or  
26 wastewater district with jurisdiction over any area in

1 the United States or Mexico that is located within  
2 100 kilometers of the United States-Mexico border.

3 (2) ELIGIBLE PROJECT.—

4 (A) IN GENERAL.—The term “eligible  
5 project” means a project for the construction of  
6 infrastructure for drinking water treatment or  
7 distribution, wastewater management, or  
8 stormwater management, including natural and  
9 green infrastructure and infrastructure for  
10 water reuse and water recycling, that—

11 (i) addresses an existing human  
12 health or ecological issue;

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

14 (iii) with respect to wastewater man-  
15 agement infrastructure the water dis-  
16 charged from which will flow, directly or  
17 indirectly, into the United States, is de-  
18 signed to meet, to the maximum extent  
19 practicable, all relevant water quality  
20 standards of the country in which the  
21 project is located, including, for projects  
22 located in the United States, any applica-  
23 ble standards established under the Fed-  
24 eral Water Pollution Control Act (33  
25 U.S.C. 1251 et seq.);

- 1 (iv) is proposed by an eligible entity  
2 with legal authority—
- 3 (I) to develop the project;
  - 4 (II) to provide the proposed  
5 drinking water or wastewater services;  
6 and
  - 7 (III) to obtain necessary financ-  
8 ing, including operations and mainte-  
9 nance funding;
- 10 (v) will comply with relevant State  
11 and local environmental and other laws  
12 (including regulations), including with re-  
13 spect to—
- 14 (I) obtaining any necessary oper-  
15 ating permits and licenses; and
  - 16 (II) complying with any other  
17 regulatory requirements related to  
18 land acquisition and rights-of-way;  
19 and
- 20 (vi) has the support of appropriate  
21 Mexican Federal and State agencies, in-  
22 cluding the Comision Nacional de Agua  
23 (commonly known as “CONAGUA” or the  
24 Mexican National Water Commission) and

1           any appropriate State or municipal water  
2           utility, if the project is located in Mexico.

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

5                   (i) for new water supply;

6                   (ii) that threatens an ecosystem lo-  
7                   cated in the United States, or that is lo-  
8                   cated in both the United States and Mex-  
9                   ico, if the project causes a reduction in the  
10                  flow of water; or

11                  (iii) to provide drinking water, waste-  
12                  water, or stormwater services to enable  
13                  new development.

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

16           (b) ESTABLISHMENT.—The Administrator shall  
17           carry out a program to provide assistance to eligible enti-  
18           ties for activities related to eligible projects, including fea-  
19           sibility studies, planning studies, environmental assess-  
20           ments, financial analyses, community participation efforts,  
21           and architectural, engineering, planning, design, construc-  
22           tion, and operations and maintenance activities.

23           (c) CONSULTATION.—In carrying out the program,  
24           the Administrator shall consult with the North American  
25           Development Bank.



1 (d) COORDINATION.—In carrying out the program,  
2 the Administrator shall coordinate with Federal, State,  
3 local, and Tribal entities in the border region, including  
4 the Department of Homeland Security, the International  
5 Boundary and Water Commission, and relevant State  
6 agencies.

7 (e) PROJECT SELECTION.—

8 (1) IN GENERAL.—In selecting projects for  
9 which to provide assistance under the program, the  
10 Administrator shall select projects in accordance  
11 with—

12 (A) paragraph (2); and

13 (B) any other criteria determined appro-  
14 priate by the Administrator.

15 (2) PRIORITIZATION.—In carrying out para-  
16 graph (1), the Administrator shall prioritize projects  
17 that—

18 (A) are identified in a plan developed pur-  
19 suant to section 104 or 204; or

20 (B)(i) are likely to have the greatest posi-  
21 tive effects relating to the environment and  
22 public health;

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

1 (iii) address the most urgent public health  
2 and environmental needs, as determined by the  
3 heads of the Regional offices for Regions 6 and  
4 9 of the Environmental Protection Agency; and

5 (iv) maximize sustainable practices, such  
6 as water reuse and water recycling, natural and  
7 green infrastructure, water efficiency, and con-  
8 servation.

9 (f) TERMS AND CONDITIONS.—The Administrator  
10 may establish such terms and conditions on assistance  
11 provided under the program as the Administrator deter-  
12 mines appropriate.

13 (g) COST SHARE.—The Administrator may establish  
14 a Federal share requirement for any project carried out  
15 using any assistance proved under this section on an indi-  
16 vidual project basis.

17 (h) REGIONAL ALLOCATIONS.—The amounts made  
18 available to carry out this section shall be made available  
19 in equal amounts for use by the Regional offices for Re-  
20 gions 6 and 9 of the Environmental Protection Agency.

## 21 **TITLE IV—MISCELLANEOUS**

### 22 **SEC. 401. ROLE OF THE COMMISSIONER AND INTER-** 23 **NATIONAL AGREEMENTS.**

24 (a) WASTEWATER AND STORMWATER AUTHORITY.—  
25 The Commissioner may study, design, construct, operate,

1 and maintain projects to manage, improve, and protect the  
2 quality of wastewater, stormwater runoff, and other un-  
3 treated flows in the Tijuana River watershed and the New  
4 River watershed.

5 (b) TIJUANA AND NEW RIVER PROJECTS WITHIN  
6 THE UNITED STATES.—The Secretary, acting through the  
7 Commissioner, shall—

8 (1) construct, operate, and maintain projects  
9 that—

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

12 (B) are within the United States; and

13 (C) improve the water quality of the Ti-  
14 juana River watershed or the New River water-  
15 shed, as applicable; and

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

19 (c) AGREEMENTS WITH MEXICO.—The Secretary,  
20 acting through the Commissioner, may execute an agree-  
21 ment with the appropriate official or officials of the Gov-  
22 ernment of Mexico for—

23 (1) the joint study and design of stormwater  
24 control and water quality projects; and

1           (2) on approval of the necessary plans and  
2           specifications of the projects described in paragraph  
3           (1), the construction, operation, and maintenance of  
4           those projects by the United States and Mexico, in  
5           accordance with the treaty relating to the utilization  
6           of the waters of the Colorado and Tijuana Rivers,  
7           and of the Rio Grande (Rio Bravo) from Fort  
8           Quitman, Texas, to the Gulf of Mexico, and supple-  
9           mentary protocol, signed at Washington February 3,  
10          1944 (59 Stat. 1219), between the United States  
11          and Mexico.

12          (d) FUNDING.—A project located wholly or partially  
13          within Mexico shall be eligible for funding under the pro-  
14          gram established under section 301(b) if the project is—

15                 (1) identified under and consistent with the re-  
16                 sults of the study under subsection (c)(1); and

17                 (2) approved pursuant to subsection (c)(2).

18          (e) SAVINGS PROVISION.—Nothing in this section  
19          limits the authority of the International Boundary and  
20          Water Commission under this Act or any other provision  
21          of law.

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