

118TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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 SENATE OF THE UNITED STATES

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Mr. PADILLA introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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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”.

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) in the 2 years before the date of enact-  
18 ment of this Act, local Border Patrol union officials  
19 have reported that over 100 officers have suffered  
20 from contamination, rashes, infections, chemical  
21 burns, and lung irritation due to toxic cross-border  
22 flows;

23 (13) a March 2020 report of the Environmental  
24 Financial Advisory Board of the Environmental Pro-  
25 tection Agency—

1 (A) found that—

2 (i) “stormwater knows no jurisdic-  
3 tional boundaries . . . and is a principal  
4 cause of water quality issues nationwide”;  
5 and

6 (ii) adequate funding to manage  
7 stormwater pollution lags behind the in-  
8 vestments made in wastewater manage-  
9 ment and the delivery of safe drinking  
10 water by decades; and

11 (B) concluded that Federal investment will  
12 be required to address—

13 (i) the lack of State and local funding;  
14 and

15 (ii) multi-jurisdictional stormwater  
16 management needs;

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

23 (15) during the 20-year period before the date  
24 of enactment of this Act, the United States and  
25 Mexico, through the International Boundary and

1 Water Commission, have agreed to resolve the pollu-  
2 tion problems in the Tijuana River;

3 (16) the International Boundary and Water  
4 Commission has negotiated 9 Minutes to resolve  
5 water quality problems in the Tijuana River, among  
6 other subjects;

7 (17) 1 of the most recent Minutes authorized  
8 the construction of the South Bay International  
9 Wastewater Treatment Plant in San Ysidro to treat,  
10 on average, 25,000,000 gallons of sewage from Ti-  
11 juana per day, which has reduced the sewage coming  
12 into the United States;

13 (18) the sewer system of Tijuana is—

14 (A) aging and deteriorating; and

15 (B) insufficient to meet the needs of a  
16 quickly growing population;

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

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



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

4 (22) a 2019 study entitled “Tijuana River Di-  
5 version Study: Flow Estimates, Infrastructure Diag-  
6 nostic, and Alternatives Development” estimated  
7 that from 2009 through 2016, transboundary flows  
8 occurred on average 138 days 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) the study described in paragraph (22)—

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

18 (B) estimated that there would still be on  
19 average 90 days of transboundary flows each  
20 year;

21 (25) the Federal Water Pollution Control Act  
22 (33 U.S.C. 1251 et seq.) has established a  
23 stormwater permit program under the National Pol-  
24 lutant Discharge Elimination System, under which

1 municipalities have the responsibility to manage and  
2 treat stormwater;

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

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

13 (28) the International Boundary and Water  
14 Commission negotiated Minute 328 to implement  
15 sanitation infrastructure projects in Tijuana, Baja  
16 California, and San Diego, California, that will be fi-  
17 nanced with a total joint investment of  
18 \$474,000,000;

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

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

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

22          (32) however, as the Government Accountability  
23          Office found in the report described in paragraph  
24          (8)—

1 (A) the longstanding environmental and  
2 health problems associated with transboundary  
3 stormwater flows continue; and

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

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

15 (1) to establish a Geographic Program to plan  
16 and implement water quality restoration and protec-  
17 tion activities;

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

1           (3) to provide funding for water quality restora-  
2           tion and protection activities in the Mexican Tijuana  
3           River watershed and the American Tijuana River  
4           watershed.

5 **SEC. 102. DEFINITIONS.**

6           In this title:

7           (1) AMERICAN TIJUANA RIVER WATERSHED.—  
8           The term “American Tijuana River watershed”  
9           means the portion of the Tijuana River watershed  
10          that lies in the United States.

11          (2) MEXICAN TIJUANA RIVER WATERSHED.—  
12          The term “Mexican Tijuana River watershed”  
13          means the portion of the Tijuana River watershed  
14          that lies in Mexico.

15          (3) PROGRAM.—The term “program” means  
16          the Tijuana River Public Health and Water Quality  
17          Restoration Program established under section  
18          103(a)(1).

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

22          (5) WATER QUALITY RESTORATION AND PRO-  
23          TECTION.—The term “water quality restoration and  
24          protection”, with respect to the Tijuana River water-  
25          shed, means—

1 (A) the enhancement of water quality and  
2 stormwater management; and

3 (B) the use of natural and green infra-  
4 structure to enhance the ability of the water-  
5 shed to capture pollutants and reduce runoff to  
6 prevent flooding.

7 **SEC. 103. TIJUANA RIVER PUBLIC HEALTH AND WATER**  
8 **QUALITY RESTORATION PROGRAM.**

9 (a) ESTABLISHMENT.—

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

17 (2) PROGRAM DIRECTOR.—Not later than 180  
18 days after the date of enactment of this Act, the Ad-  
19 ministrator shall designate a Program Director of  
20 the program, who shall—

21 (A) have leadership and project manage-  
22 ment experience; and

23 (B) be qualified—

1 (i) to direct the integration of multiple  
2 project planning efforts and programs  
3 from different agencies and jurisdictions;

4 (ii) to align numerous, and possibly  
5 competing, priorities to accomplish visible  
6 and measurable outcomes under the action  
7 plan under section 104(a)(1);

8 (iii) to manage efforts and associated  
9 functions needed to run the management  
10 conference described in subsection (b)(2);

11 (iv) to facilitate engagement with the  
12 International Boundary and Water Com-  
13 mission and related Federal agencies;

14 (v) to solicit feedback from relevant  
15 Federal, State, Tribal, local, public, non-  
16 profit, and other relevant stakeholders on  
17 the creation and implementation of the ac-  
18 tion plan under section 104(a)(1); and

19 (vi) to consult with Indian Tribes  
20 within the American Tijuana River water-  
21 shed region.

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

23 (1) the Administrator shall—

24 (A) develop the action plan under section  
25 104(a)(1) to address pollution prevention, envi-

1           ronmental and ecological restoration, climate  
2           change, resilience, and mitigation, and related  
3           efforts, in the American Tijuana River water-  
4           shed region;

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

14          (C) carry out activities that—

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

20               (ii) support the implementation of a  
21               shared set of science-based water quality  
22               restoration and protection activities identi-  
23               fied in accordance with subparagraph (B),  
24               including water reuse projects, water recy-



1                   cling projects, and natural and green infra-  
2                   structure projects;

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

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

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

12                  (E) coordinate a funding strategy among  
13                  available funding sources in the region; and

14                  (F) provide grants, agreements, and tech-  
15                  nical assistance in accordance with section 105;  
16                  and

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

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

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

- 1 (A) the Secretary;
- 2 (B) the Commissioner;
- 3 (C) the Secretary of Agriculture;
- 4 (D) the Secretary of Homeland Security;
- 5 (E) the Administrator of General Services;
- 6 (F) the Commissioner of U.S. Customs  
7 and Border Protection;
- 8 (G) the Secretary of the Interior;
- 9 (H) the Secretary of the Army, acting  
10 through the Chief of Engineers;
- 11 (I) the Administrator of the National Ocea-  
12 nic and Atmospheric Administration;
- 13 (J) the Director of the United States Fish  
14 and Wildlife Service; and
- 15 (K) the head of any other applicable agen-  
16 cy, as determined by the Administrator;
- 17 (2) a representative of Naval Base Coronado;
- 18 (3) a representative of the Commander, Navy  
19 Region Southwest;
- 20 (4) a representative of the Coast Guard;
- 21 (5) a representative of the United States Geo-  
22 logical Survey;
- 23 (6) a representative of the Bureau of Indian Af-  
24 fairs;

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

3           (8) the heads of State of California agencies,  
4 including—

5                 (A) the Governor of California;

6                 (B) the California Environmental Protec-  
7 tion Agency;

8                 (C) the California State Water Resources  
9 Control Board;

10                (D) the California Department of Water  
11 Resources; and

12                (E) the San Diego Regional Water Quality  
13 Control Board;

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

21           (10) 2 representatives of relevant nonprofit  
22 groups, chosen on a rotating 3-year cycle by the  
23 Governor of California;

24           (11) other public agencies and organizations  
25 with authority for the planning and implementation

1 of conservation strategies relating to the Tijuana  
2 River in the United States and Mexico, as deter-  
3 mined by the Administrator; and

4 (12) representatives of the North American De-  
5 velopment Bank.

6 (d) COOPERATIVE AGREEMENTS AND MEMORANDA  
7 OF UNDERSTANDING.—

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

18 (A) the heads of other Federal agencies,  
19 States, State agencies, units of local govern-  
20 ment, Tribal governments, regional govern-  
21 mental bodies, and private entities; and

22 (B) in cooperation with the Secretary, the  
23 Government of Mexico.

24 (2) USE OF AGREEMENTS.—The Administrator  
25 may enter into the cooperative agreements and

1 memoranda of understanding described in paragraph  
2 (1) to carry out the activities described in this sec-  
3 tion, including studies, plans, construction, and com-  
4 pletion of projects to improve the water quality of,  
5 environment of, and public health around the Ti-  
6 juana River.

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

11 (4) FINANCIAL ARRANGEMENTS.—

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

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

1           (5) PERSONNEL; SERVICES; TECHNICAL ASSIST-  
2           ANCE.—The Administrator may provide or accept  
3           personnel, services, and technical assistance pursu-  
4           ant to a cooperative agreement or memorandum of  
5           understanding described in paragraph (1), with or  
6           without reimbursement, for the purposes of carrying  
7           out the agreement or memorandum.

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

9           (a) DEVELOPMENT.—

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

19           (2) REQUIREMENTS.—The action plan under  
20           paragraph (1) shall—

21           (A) build on and incorporate any existing  
22           efforts and plans to improve and protect the  
23           water quality of the Tijuana River watershed,  
24           including ongoing and completed efforts and  
25           plans;

1 (B) incorporate projects identified in Alter-  
2 native 2, as described in the final programmatic  
3 environmental impact statement of the Environ-  
4 mental Protection Agency and the International  
5 Boundary and Water Commission entitled  
6 “USMCA Mitigation of Contaminated Trans-  
7 boundary Flows Project” and dated November  
8 2, 2022, and selected in the record of decision  
9 of the Environmental Protection Agency and  
10 the International Boundary and Water Com-  
11 mission entitled “Joint Record of Decision for  
12 the Final Programmatic Environmental Impact  
13 Statement for United States-Mexico-Canada  
14 Agreement Mitigation of Contaminated Trans-  
15 boundary Flows Project” and signed on June 9,  
16 2023; and

17 (C) include—

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

22 (ii) criteria for selecting—

23 (I) water quality restoration and  
24 protection projects; and

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

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

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

9 (3) OPERATIONS AND MAINTENANCE FUND-  
10 ING.—

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

19 (B) REQUIREMENT.—In carrying out sub-  
20 paragraph (A), the Administrator shall assess  
21 the approaches identified in the report of the  
22 Environmental Financial Advisory Board enti-  
23 tled “Evaluating Stormwater Infrastructure  
24 Funding and Financing” and dated March  
25 2020.



1 (b) ISSUANCE; UPDATES.—The Administrator  
2 shall—

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

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

9 (c) PRIORITY LIST.—

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

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

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

23 (C) is developed in coordination with the  
24 entities described in section 103(c);

1 (D) assists agencies to coordinate funding;

2 and

3 (E) identifies projects—

4 (i) in the Mexican Tijuana River wa-  
5 tershed;

6 (ii) in the American Tijuana River  
7 watershed; and

8 (iii) that address transboundary flows  
9 that affect coastal communities in and  
10 near the Tijuana River watershed.

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

13 (A) use the best available science, includ-  
14 ing any relevant findings and recommendations  
15 of a watershed assessment conducted by Fed-  
16 eral, State, Tribal, and local agencies;

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

20 (C) include, in order of priority, potential  
21 or proposed water quality or stormwater  
22 projects for the restoration and protection of  
23 the Tijuana River that—

24 (i) would help—

1 (I) to achieve and maintain the  
2 water quality standards for—

3 (aa) public health;

4 (bb) recreational opportuni-  
5 ties;

6 (cc) scenic resources; and

7 (dd) wildlife and habitat;

8 and

9 (II) to address water needs in the  
10 Tijuana River watershed, including  
11 through water reuse and water recy-  
12 cling; and

13 (ii) would identify responsible agencies  
14 and funding sources through coordinated  
15 efforts by the entities described in section  
16 103(c).

17 **SEC. 105. GRANTS, INTERAGENCY AND OTHER AGREE-**  
18 **MENTS, AND ASSISTANCE.**

19 (a) IN GENERAL.—In order to carry out the purposes  
20 of the program as described in section 101(b) and imple-  
21 ment priority projects identified under section 104(c), the  
22 Administrator may—

23 (1) provide grants and technical assistance to  
24 the Commissioner, State and local governments,  
25 Tribal governments, the North American Develop-

1       ment Bank, entities described in section 103(c)(11),  
2       nonprofit organizations, and institutions of higher  
3       education, in both the United States and Mexico;  
4       and

5               (2) enter into interagency agreements with  
6       other Federal agencies.

7       (b) CRITERIA.—The Administrator, in consultation  
8       with the entities described in section 103(c), shall develop  
9       criteria for providing grants and technical assistance and  
10       entering into interagency agreements under subsection (a)  
11       to ensure that activities carried out under an interagency  
12       agreement or using those grants or technical assistance—

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

15               (2) advance the implementation of priority  
16       projects identified under section 104(c).

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

21       (d) ADMINISTRATION.—

22               (1) IN GENERAL.—The Administrator may  
23       enter into an agreement to manage the implementa-  
24       tion of this section with the North American Devel-

1        opment Bank or a similar organization that offers  
2        grant management services.

3            (2) FUNDING.—If the Administrator enters into  
4        an agreement under paragraph (1), the organization  
5        selected shall—

6            (A) for each fiscal year, receive amounts to  
7        carry out this section in an advance payment of  
8        the entire amount on the date of enactment of  
9        an appropriations Act making appropriations to  
10       the Administrator for a fiscal year, or as soon  
11       as practicable thereafter; and

12           (B) otherwise administer the implementa-  
13       tion of this section to support partnerships be-  
14       tween the public and private sectors in accord-  
15       ance with this title.

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

19           (f) AUTHORIZATION OF APPROPRIATIONS.—

20            (1) IN GENERAL.—There is authorized to be  
21        appropriated to the Administrator to carry out this  
22        section \$50,000,000 for each of fiscal years 2025  
23        through 2035, to remain available until expended.  
24

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

5           (3) TRANSFER.—The Administrator may trans-  
6           fer amounts made available under this subsection to  
7           the Commissioner as the Administrator determines  
8           necessary to carry out this section.

9   **SEC. 106. ANNUAL BUDGET PLAN.**

10          The President, as part of the annual budget submis-  
11          sion of the President to Congress under section 1105(a)  
12          of title 31, United States Code, shall submit estimated ex-  
13          penditures and proposed appropriations for projects under  
14          this title, including administrative needs and expenses, for  
15          the current year, the budget year, and 5 outyears (as those  
16          terms are defined in section 250(c) of the Balanced Budg-  
17          et and Emergency Deficit Control Act of 1985 (2 U.S.C.  
18          900(c)), including for projects included in the priority list  
19          under section 104(c), for each Federal agency described  
20          in section 103(c)(1).

21   **SEC. 107. REPORTS.**

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

1 (1) a description of—

2 (A) each project that has received funding  
3 pursuant to this title; and

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

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

11 **TITLE II—NEW RIVER PUBLIC**  
12 **HEALTH AND WATER QUAL-**  
13 **ITY RESTORATION**

14 **SEC. 201. FINDINGS; PURPOSE.**

15 (a) FINDINGS.—Congress finds that—

16 (1) the New River was born out of—

17 (A) occasional flows of the Colorado River  
18 into the Salton Sink; and

19 (B) the erosion of the New River channel,  
20 which formed the deep river canyon between  
21 1905 and 1907;

22 (2) the New River—

23 (A) starts in Mexicali, Mexico;

24 (B) flows north into the United States  
25 through Calexico;

1 (C) passes through the Imperial Valley;

2 and

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

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

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

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

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

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



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

4 (i) totaled approximately  
5 \$50,000,000; and

6 (ii) were funded by both the United  
7 States and Mexico through the North  
8 American Development Bank;

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

14 (8) in the late 1990s—

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

20 (B) after the construction of those plants,  
21 untreated water from the New River was passed  
22 through 4 microbial treatment cells at the Las  
23 Arenitas wastewater treatment plant, which was  
24 then chlorinated and fed into a reforestation

1 project along the desiccated Rio Hardy, which  
2 stretches to the Sea of Cortez;

3 (9) a 10-year effort by community groups, law-  
4 yers, regulatory agencies, and politicians addressed  
5 the problem of water quality in the New River at the  
6 source by—

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

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

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

13 (A) to create a water quality plan to study,  
14 monitor, remediate, and enhance the water  
15 quality of the New River to protect human  
16 health; and

17 (B) to develop a river parkway suitable for  
18 public use;

19 (11) in 2012, the California-Mexico Border Re-  
20 lations Council approved the strategic plan for the  
21 New River Improvement Project that was prepared  
22 by the New River Improvement Project Technical  
23 Advisory Committee;

24 (12) in 2016, the New River Improvement  
25 Project Technical Advisory Committee revised the

1 recommended infrastructure of the New River Im-  
2 provement Project, and the State of California ap-  
3 propriated \$1,400,000 to provide grants or contracts  
4 to carry out the necessary planning, design, environ-  
5 mental review, and permitting work;

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

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

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

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

20 (2) carrying out coordinated restoration and  
21 protection activities relating to the New River and  
22 providing technical assistance for those activities—

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

1 (B) to improve and maintain water quality  
2 to support fish and wildlife, as well as the habi-  
3 tats of fish and wildlife;

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

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

12 (E) to maximize the resilience of natural  
13 systems and habitats under changing watershed  
14 conditions;

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

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

1 (H) to provide technical assistance to carry  
2 out water quality restoration and protection ac-  
3 tivities relating to the New River.

4 **SEC. 202. DEFINITIONS.**

5 In this title:

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

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

14 (A) the enhancement of water quality and  
15 stormwater management; and

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

20 **SEC. 203. CALIFORNIA NEW RIVER PUBLIC HEALTH AND**  
21 **WATER QUALITY RESTORATION PROGRAM.**

22 (a) ESTABLISHMENT.—Not later than 180 days after  
23 the date of enactment of this Act, subject to the avail-  
24 ability of appropriations provided specifically for this pur-  
25 pose, the Administrator shall establish a Geographic Pro-

1 gram, to be known as the “California New River Public  
2 Health and Water Quality Restoration Program”.

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

5 (1) carry out projects, plans, and initiatives for  
6 the New River that are supported by the California-  
7 Mexico Border Relations Council, and work in con-  
8 sultation with applicable management entities, in-  
9 cluding representatives of the Calexico New River  
10 Committee, the California-Mexico Border Relations  
11 Council, the New River Improvement Project Tech-  
12 nical Advisory Committee, the Federal Government,  
13 State and local governments, and regional and non-  
14 profit organizations, to carry out water quality res-  
15 toration and protection activities relating to the New  
16 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

1           accordance with paragraph (1), including water  
2           reuse projects, water recycling projects, and  
3           natural and green infrastructure projects;

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

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

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

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

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

13           (A) the Secretary of the Interior;

14           (B) the Secretary of Agriculture;

15           (C) the Secretary of Homeland Security;

16           (D) the Administrator of General Services;

17           (E) the Commissioner of U.S. Customs  
18           and Border Protection;

19           (F) the Commissioner;

20           (G) the Secretary of the Army, acting  
21           through the Chief of Engineers;

22           (H) the Administrator of the National  
23           Oceanic and Atmospheric Administration;

24           (I) the Director of the United States Fish  
25           and Wildlife Service; and

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

3                   (2) the Governor of California;

4                   (3) the California Environmental Protection  
5                   Agency;

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

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

10                  (6) the Colorado River Basin Regional Water  
11                  Quality Control Board;

12                  (7) the Imperial Irrigation District;

13                  (8) the Salton Sea Authority;

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

19                  (10) representatives of the North American De-  
20                  velopment Bank.

21                  (d) COOPERATIVE AGREEMENTS AND MEMORANDA  
22                  OF UNDERSTANDING.—

23                  (1) IN GENERAL.—To achieve the purposes of  
24                  this title, the Administrator may enter into coopera-



1       tive agreements and memoranda of understanding  
2       with—

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

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

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

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

18               (B) to carry out a pilot project under  
19               which the Administrator shall, for projects se-  
20               lected by the Administrator that would other-  
21               wise not be successful in improving the water  
22               quality of, environment of, and public health of  
23               people residing in areas surrounding the New  
24               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 ACTION 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 an action plan for the purpose  
11 of improving and protecting the water quality of the  
12 New River watershed.

13 (2) REQUIREMENTS.—The action plan under  
14 paragraph (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.—In developing the ac-  
14 tion plan under paragraph (1), the Adminis-  
15 trator, working with the entities described in  
16 section 203(c), shall assess and identify poten-  
17 tial alternative sources and approaches for fi-  
18 nancing infrastructure projects, including fi-  
19 nancing the operations and maintenance of  
20 those infrastructure projects.

21 (B) REQUIREMENT.—In carrying out sub-  
22 paragraph (A), the Administrator shall assess  
23 the approaches identified in the report of the  
24 Environmental Financial Advisory Board enti-  
25 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 action plan under sub-  
7 section (a)(1); and

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

11 (c) PRIORITY LIST.—

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

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

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

1 (C) is developed in coordination with the  
2 entities described in section 203(c);

3 (D) assists agencies to coordinate funding;  
4 and

5 (E) identifies projects—

6 (i) in the New River watershed; and

7 (ii) that address transboundary flows  
8 that affect coastal communities in and  
9 near the New River watershed.

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

12 (A) use the best available science, includ-  
13 ing any relevant findings and recommendations  
14 of a watershed assessment conducted by Fed-  
15 eral, State, and local agencies;

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

19 (C) include, in order of priority, potential  
20 or proposed water quality or stormwater  
21 projects for the restoration and protection of  
22 the New River that—

23 (i) would help—

24 (I) to achieve and maintain the  
25 water quality standards for—

47

1 (aa) public health;  
2 (bb) recreational opportuni-  
3 ties;  
4 (cc) scenic resources; and  
5 (dd) wildlife and habitat;  
6 and  
7 (II) to address water needs in the  
8 New River watershed, including  
9 through water reuse and water recy-  
10 cling; and  
11 (ii) would identify responsible agencies  
12 and funding sources through coordinated  
13 efforts by the entities described in section  
14 203(c).

15 **SEC. 205. GRANTS, INTERAGENCY AND OTHER AGREE-**  
16 **MENTS, AND ASSISTANCE.**

17 (a) IN GENERAL.—In order to carry out the purposes  
18 of the program as described in section 201(b) and imple-  
19 ment priority projects identified under section 204(c), the  
20 Administrator may—

21 (1) provide grants and technical assistance to  
22 the Commissioner, State and local governments,  
23 Tribal governments, the North American Develop-  
24 ment Bank, entities described in section 203(c)(9),  
25 nonprofit organizations, and institutions of higher

1 education, in both the United States and Mexico;  
2 and

3 (2) enter into interagency agreements with  
4 other Federal agencies.

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

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

13 (2) advance the implementation of priority  
14 projects identified under section 204(c).

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

19 (d) ADMINISTRATION.—

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



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

4                   (A) for each fiscal year, receive amounts to  
5                   carry out this section in an advance payment of  
6                   the entire amount on the date of enactment of  
7                   an appropriations Act making appropriations to  
8                   the Administrator for a fiscal year, or as soon  
9                   as practicable thereafter; and

10                   (B) otherwise administer the implementa-  
11                   tion of this section to support partnerships be-  
12                   tween the public and private sectors in accord-  
13                   ance with this title.

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

18           (f) AUTHORIZATION OF APPROPRIATIONS.—

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

23                   (2) SET ASIDE.—Of amounts made available to  
24                   carry out this section, the Administrator may use

1 not more than 5 percent for grants under this sec-  
2 tion for salaries, expenses, and administration.

3 (3) TRANSFER.—The Administrator may trans-  
4 fer amounts made available under this subsection to  
5 the Commissioner as the Administrator determines  
6 necessary to carry out this section.

7 **SEC. 206. 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, including administrative needs and expenses, for  
13 the current year, budget year, and 5 outyears (as those  
14 terms are defined in section 250(c) of the Balanced Budg-  
15 et and Emergency Deficit Control Act of 1985 (2 U.S.C.  
16 900(c)), including for projects included in the priority list  
17 under section 204(c), for each Federal agency described  
18 in section 203(c)(1).

19 **SEC. 207. REPORTS.**

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

24 (1) a description of—

1 (A) each project that has received funding  
2 pursuant to this title; and

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

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

10 **TITLE III—BORDER WATER IN-**  
11 **FRASTRUCTURE IMPROVE-**  
12 **MENT**

13 **SEC. 301. UNITED STATES-MEXICO BORDER WATER INFRA-**  
14 **STRUCTURE PROGRAM.**

15 (a) DEFINITIONS.—In this section:

16 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
17 ty” means the United States Section of the Inter-  
18 national Boundary and Water Commission, a State,  
19 a local government, an Indian Tribe, or a water or  
20 wastewater district with jurisdiction over any area in  
21 the United States or Mexico that is located within  
22 100 kilometers of the United States-Mexico border.

23 (2) ELIGIBLE PROJECT.—

24 (A) IN GENERAL.—The term “eligible  
25 project” means a project for the construction of

1 infrastructure for drinking water treatment or  
2 distribution, wastewater management, or  
3 stormwater management, including natural and  
4 green infrastructure and infrastructure for  
5 water reuse and water recycling, that—

6 (i) addresses an existing human  
7 health or ecological issue;

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

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

21 (iv) is proposed by an eligible entity  
22 with legal authority—

23 (I) to develop the project;

1 (II) to provide the proposed  
2 drinking water or wastewater services;  
3 and

4 (III) to obtain necessary financ-  
5 ing, including operations and mainte-  
6 nance funding;

7 (v) will comply with relevant State  
8 and local environmental and other laws  
9 (including regulations), including with re-  
10 spect to—

11 (I) obtaining any necessary oper-  
12 ating permits and licenses; and

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

17 (vi) has the support of appropriate  
18 Mexican Federal and State agencies, in-  
19 cluding the Comision Nacional del Agua  
20 (commonly known as “CONAGUA” or the  
21 Mexican National Water Commission) and  
22 any appropriate State or municipal water  
23 utility, if the project is located in Mexico.

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

- 1 (i) for new water supply;
- 2 (ii) that threatens an ecosystem lo-
- 3 cated in the United States, or that is lo-
- 4 cated in both the United States and Mex-
- 5 ico, if the project causes a reduction in the
- 6 flow of water; or
- 7 (iii) to provide drinking water, waste-
- 8 water, or stormwater services to enable
- 9 new development.

10 (3) PROGRAM.—The term “program” means

11 the program established under subsection (b).

12 (b) ESTABLISHMENT.—The Administrator shall

13 carry out a program to provide financial assistance, tech-

14 nical assistance, or a combination of financial and tech-

15 nical assistance to eligible entities for activities related to

16 eligible projects, including feasibility studies, planning

17 studies, environmental assessments, financial analyses,

18 community participation efforts, and architectural, engi-

19 neering, planning, design, construction, and operations

20 and maintenance activities.

21 (c) CONSULTATION.—In carrying out the program,

22 the Administrator shall consult with the North American

23 Development Bank.

24 (d) COORDINATION.—In carrying out the program,

25 the Administrator shall coordinate with Federal, State,

1 local, and Tribal entities in the border region, including  
2 the Department of Homeland Security, the International  
3 Boundary and Water Commission, and relevant State  
4 agencies.

5 (e) PROJECT SELECTION.—

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

10 (A) paragraph (2); and

11 (B) any other criteria determined appro-  
12 priate by the Administrator.

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

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

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

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

23 (iii) address the most urgent public health  
24 and environmental needs, as determined by the

1 heads of the Regional offices for Regions 6 and  
2 9 of the Environmental Protection Agency; and  
3 (iv) maximize sustainable practices, such  
4 as water reuse and water recycling, natural and  
5 green infrastructure, water efficiency, and con-  
6 servation.

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

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

## 15 **TITLE IV—MISCELLANEOUS**

### 16 **SEC. 401. ROLE OF THE COMMISSIONER AND INTER-** 17 **NATIONAL AGREEMENTS.**

18 (a) WASTEWATER AND STORMWATER AUTHORITY.—  
19 The Commissioner may study, design, construct, operate,  
20 and maintain projects to manage, improve, and protect the  
21 quality of wastewater, stormwater runoff, and other un-  
22 treated flows in the Tijuana River watershed and the New  
23 River watershed.



1 (b) TIJUANA AND NEW RIVER PROJECTS WITHIN  
2 THE UNITED STATES.—The Secretary, acting through the  
3 Commissioner, shall—

4 (1) construct, operate, and maintain projects  
5 that—

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

8 (B) are within the United States; and

9 (C) improve the water quality of the Ti-  
10 juana River watershed or the New River water-  
11 shed, as applicable; and

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

15 (c) AGREEMENTS WITH MEXICO.—The Secretary,  
16 acting through the Commissioner, may execute an agree-  
17 ment with the appropriate official or officials of the Gov-  
18 ernment of Mexico for—

19 (1) the joint study and design of stormwater  
20 control and water quality projects; and

21 (2) on approval of the necessary plans and  
22 specifications of the projects described in paragraph  
23 (1), the construction, operation, and maintenance of  
24 those projects by the United States and Mexico, in  
25 accordance with the treaty relating to the utilization

1 of the waters of the Colorado and Tijuana Rivers,  
2 and of the Rio Grande (Rio Bravo) from Fort  
3 Quitman, Texas, to the Gulf of Mexico, and supple-  
4 mentary protocol, signed at Washington February 3,  
5 1944 (59 Stat. 1219), between the United States  
6 and Mexico.

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

- 10 (1) identified under and consistent with an ac-  
11 tion plan under section 104(a)(1) or 204(a)(1); and  
12 (2) approved by the Administrator.

13 (e) SAVINGS PROVISION.—Nothing in this section  
14 limits the authority of the International Boundary and  
15 Water Commission under this Act or any other provision  
16 of law.