

**AMENDMENT TO H.R. 3898, AS REPORTED
OFFERED BY MR. VARGAS OF CALIFORNIA**

Before section 2, insert the following:

1 **DIVISION A—CLEAN WATER**
2 **PERMITTING**

Add at the end the following:

3 **DIVISION B—BORDER WATER**
4 **QUALITY RESTORATION AND**
5 **PROTECTION**

6 **SEC. 1. SHORT TITLE; DEFINITIONS.**

7 (a) **SHORT TITLE.**—This division may be cited as the
8 “Border Quality Restoration and Protection Act”.

9 (b) **DEFINITIONS.**—In this division:

10 (1) **ADMINISTRATOR.**—The term “Adminis-
11 trator” means the Administrator of the Environ-
12 mental Protection Agency.

13 (2) **COMMISSIONER.**—The term “Commis-
14 sioner” means the Commissioner of the United
15 States Section of the International Boundary and
16 Water Commission.

17 (3) **INDIAN TRIBE.**—The term “Indian Tribe”
18 has the meaning given the term “Indian tribe” in

1 section 102 of the Federally Recognized Indian
2 Tribe List Act of 1994 (25 U.S.C. 5130).

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

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

11 (6) SECRETARY.—The term “Secretary” means
12 the Secretary of State.

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

19 (8) WATER REUSE.—The term “water reuse”
20 has the meaning given the term in the document of
21 the Environmental Protection Agency entitled “Na-
22 tional Water Reuse Action Plan Collaborative Imple-
23 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; PURPOSES.**

5 (a) FINDINGS.—Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (A) found that—

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

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

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

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

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

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

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

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

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

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

9 (17) the sewer system of Tijuana is—

10 (A) aging and deteriorating; and

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

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

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

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

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

24 (20) from January to December of 2024, an es-
25 timated 36,154,000,000 gallons of wastewater,

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

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

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

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

13 (24) during the 2-year period before the date of
14 enactment of this Act, unprecedented dry weather
15 flows reached approximately 13,795,000,000 gallons;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 102. DEFINITIONS.**

2 In this title:

3 (1) AMERICAN TIJUANA RIVER WATERSHED.—

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

7 (2) MEXICAN TIJUANA RIVER WATERSHED.—

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

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

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

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

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

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

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

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

5 (a) ESTABLISHMENT.—

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

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

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

19 (B) be qualified—

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

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

1 and measurable outcomes under the action
2 plan under section 104(a)(1);
3 (iii) to manage efforts and associated
4 functions needed to run the management
5 conference described in subsection (b)(2);
6 (iv) to facilitate engagement with the
7 International Boundary and Water Com-
8 mission and related Federal agencies;
9 (v) to solicit feedback from relevant
10 Federal, State, Tribal, local, public, non-
11 profit, and other relevant stakeholders on
12 the creation and implementation of the ac-
13 tion plan under section 104(a)(1); and
14 (vi) to consult with Indian Tribes
15 within the American Tijuana River water-
16 shed region.

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

18 (1) the Administrator shall—

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

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

10 (C) carry out activities that—

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

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

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

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

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

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

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

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

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

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

22 (A) the Secretary;

23 (B) the Commissioner;

24 (C) the Secretary of Agriculture;

25 (D) the Secretary of Homeland Security;

1 (E) the Administrator of General Services;

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

4 (G) the Secretary of the Interior;

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

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

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

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

13 (2) a representative of Naval Base Coronado;

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

16 (4) a representative of the Coast Guard;

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

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

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

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

25 (A) the Governor of California;

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

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

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

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

9 (F) the County of San Diego;

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

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

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

1 (12) representatives of the North American De-
2 velopment Bank.

3 (d) COOPERATIVE AGREEMENTS AND MEMORANDA
4 OF UNDERSTANDING.—

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

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

19 (B) in cooperation with the Secretary, the
20 Government of Mexico.

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

1 pletion of projects to improve the water quality of,
2 environment of, and public health around the Ti-
3 juana River.

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

8 (4) FINANCIAL ARRANGEMENTS.—

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

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

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

1 understanding described in paragraph (1), with or
2 without reimbursement, for the purposes of carrying
3 out the agreement or memorandum.

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

5 (a) DEVELOPMENT.—

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

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

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

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

1 Boundary and Water Commission entitled
2 “USMCA Mitigation of Contaminated Trans-
3 boundary Flows Project” and dated November
4 2, 2022, and selected in the record of decision
5 of the Environmental Protection Agency and
6 the International Boundary and Water Com-
7 mission entitled “Joint Record of Decision for
8 the Final Programmatic Environmental Impact
9 Statement for United States-Mexico-Canada
10 Agreement Mitigation of Contaminated Trans-
11 boundary Flows Project” and signed on June 9,
12 2023; and

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

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

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

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

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

7 (c) PRIORITY LIST.—

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

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

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

21 (C) is developed in coordination with the
22 entities described in section 103(c);

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

25 (E) identifies projects—

1 (i) in the Mexican Tijuana River wa-
2 tershed;

3 (ii) in the American Tijuana River
4 watershed; and

5 (iii) that address transboundary flows
6 that affect coastal communities in and
7 near the Tijuana 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, Tribal, 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;

17 (C) include—

18 (i) the projects described in subsection
19 (a)(2)(B); and

20 (ii) such other projects that the Ad-
21 ministrator determines appropriate based
22 on the availability of peer-reviewed or oth-
23 erwise published scientific research; and

24 (D) include, in order of priority, potential
25 or proposed water quality or stormwater

1 projects for the restoration and protection of
2 the Tijuana River that—

3 (i) would help—

4 (I) to achieve and maintain the
5 water quality standards for—

6 (aa) public health;

7 (bb) recreational opportuni-
8 ties;

9 (cc) scenic resources; and

10 (dd) wildlife and habitat;

11 and

12 (II) to address water needs in the
13 Tijuana River watershed, including
14 through water reuse and water recy-
15 cling; and

16 (ii) would identify responsible agencies
17 and funding sources through coordinated
18 efforts by the entities described in section
19 103(c).

20 **SEC. 105. GRANTS, INTERAGENCY AND OTHER AGREE-**
21 **MENTS, AND ASSISTANCE.**

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

1 (1) provide grants and technical assistance to
2 the Commissioner, State and local governments,
3 Tribal governments, the North American Develop-
4 ment Bank, entities described in section 103(c)(11),
5 nonprofit organizations, and institutions of higher
6 education, in both the United States and Mexico;
7 and

8 (2) enter into interagency agreements with
9 other Federal agencies.

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

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

18 (2) advance the implementation of priority
19 projects identified under section 104(c).

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

24 (d) ADMINISTRATION.—

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

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

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

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

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

22 (f) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There is authorized to be
24 appropriated to the Administrator to carry out this
25

1 section \$50,000,000 for each of fiscal years 2026
2 through 2036, to remain available until expended.

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

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

11 **SEC. 106. ANNUAL BUDGET PLAN.**

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

23 **SEC. 107. REPORTS.**

24 Not later than 1 year after the date of enactment
25 of this Act, and every 2 years thereafter, the Adminis-

1 trator shall submit to Congress a report on the implemen-
2 tation of this title, including—

3 (1) a description of—

4 (A) each project that has received funding
5 pursuant to this title; and

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

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

13 **TITLE II—NEW RIVER PUBLIC**
14 **HEALTH AND WATER QUAL-**
15 **ITY RESTORATION**

16 **SEC. 201. FINDINGS; PURPOSES.**

17 (a) FINDINGS.—Congress finds that—

18 (1) the New River was born out of—

19 (A) occasional flows of the Colorado River
20 into the Salton Sink; and

21 (B) the erosion of the New River channel,
22 which formed the deep river canyon between
23 1905 and 1907;

24 (2) the New River—

25 (A) starts in Mexicali, Mexico;

1 (B) flows north into the United States
2 through Calexico;

3 (C) passes through the Imperial Valley;
4 and

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

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

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

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

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

1 (A) established a sanitation strategy for
2 the water quality problems of the New River at
3 the international border; and

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

7 (i) totaled approximately
8 \$50,000,000; and

9 (ii) were funded by both the United
10 States and Mexico through the North
11 American Development Bank;

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

17 (8) in the late 1990s—

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

23 (B) after the construction of those plants,
24 untreated water from the New River was passed
25 through 4 microbial treatment cells at the Las

1 Arenitas wastewater treatment plant, which was
2 then chlorinated and fed into a reforestation
3 project along the desiccated Rio Hardy, which
4 stretches to the Sea of Cortez;

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

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

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

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

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

19 (B) to develop a river parkway suitable for
20 public use;

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

1 (12) in 2016, the New River Improvement
2 Project Technical Advisory Committee revised the
3 recommended infrastructure of the New River Im-
4 provement Project, and the State of California ap-
5 propriated \$1,400,000 to provide grants or contracts
6 to carry out the necessary planning, design, environ-
7 mental review, and permitting work;

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

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

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

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

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

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

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

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

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

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

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

22 (G) to increase scientific capacity to sup-
23 port the planning, monitoring, and research ac-
24 tivities necessary to carry out coordinated water

1 quality restoration and protection activities re-
2 lating to the New River; and

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

6 **SEC. 202. DEFINITIONS.**

7 In this title:

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

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

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

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

22 **SEC. 203. CALIFORNIA NEW RIVER PUBLIC HEALTH AND**
23 **WATER QUALITY RESTORATION PROGRAM.**

24 (a) ESTABLISHMENT.—Not later than 180 days after
25 the date of enactment of this Act, subject to the avail-

1 ability of appropriations provided specifically for this pur-
2 pose, the Administrator shall establish a Geographic Pro-
3 gram, to be known as the “California New River Public
4 Health and Water Quality Restoration Program”.

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

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

19 (2) carry out activities that—

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

1 (B) support the implementation of a
2 shared set of science-based water quality res-
3 toration and protection activities identified in
4 accordance with paragraph (1), including water
5 reuse projects, water recycling projects, and
6 natural and green infrastructure projects;

7 (C) target cost-effective projects with
8 measurable results; and

9 (D) maximize public health and water
10 quality conservation outcomes; and

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

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

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

16 (A) the Secretary of the Interior;

17 (B) the Secretary of Agriculture;

18 (C) the Secretary of Homeland Security;

19 (D) the Administrator of General Services;

20 (E) the Commissioner of U.S. Customs
21 and Border Protection;

22 (F) the Commissioner;

23 (G) the Secretary of the Army, acting
24 through the Chief of Engineers;

- 1 (H) the Administrator of the National
2 Oceanic and Atmospheric Administration;
- 3 (I) the Director of the United States Fish
4 and Wildlife Service; and
- 5 (J) the head of any other applicable agen-
6 cy, as determined by the Administrator;
- 7 (2) the Governor of California;
- 8 (3) the California Environmental Protection
9 Agency;
- 10 (4) the California State Water Resources Con-
11 trol Board;
- 12 (5) the California Department of Water Re-
13 sources;
- 14 (6) the Colorado River Basin Regional Water
15 Quality Control Board;
- 16 (7) the Imperial Irrigation District;
- 17 (8) the Salton Sea Authority;
- 18 (9) the County of Imperial;
- 19 (10) other public agencies and organizations
20 with authority for the planning and implementation
21 of conservation strategies relating to the New River
22 in the United States and Mexico, as determined by
23 the Administrator; and
- 24 (11) representatives of the North American De-
25 velopment Bank.

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

3 (1) IN GENERAL.—To achieve the purposes of
4 this title, the Administrator may enter into coopera-
5 tive agreements and memoranda of understanding
6 with—

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

11 (B) in cooperation with the Secretary, the
12 Government of Mexico.

13 (2) USE OF AGREEMENTS.—The Administrator
14 may enter into the cooperative agreements and
15 memoranda of understanding described in paragraph
16 (1)—

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

22 (B) to carry out a pilot project under
23 which the Administrator shall, for projects se-
24 lected by the Administrator that would other-
25 wise not be successful in improving the water

1 quality of, environment of, and public health of
2 people residing in areas surrounding the New
3 River—

4 (i) identify the parties responsible for
5 the projects; and

6 (ii) provide funds to those parties for
7 the operations and maintenance of the
8 projects.

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

13 (4) FINANCIAL ARRANGEMENTS.—

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

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

1 further appropriation, to carry out the purposes
2 of this title.

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

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

11 (a) DEVELOPMENT.—

12 (1) IN GENERAL.—The Administrator, in con-
13 sultation with the entities described in section
14 203(c), shall develop an action plan for the purpose
15 of improving and protecting the water quality of the
16 New River watershed.

17 (2) REQUIREMENTS.—The action plan under
18 paragraph (1) shall—

19 (A) build on and incorporate any existing
20 efforts and plans to improve and protect the
21 water quality of the New River, whether ongo-
22 ing or completed; and

23 (B) include—

24 (i) such features as are needed to im-
25 prove and protect the quality of waste-

1 water, stormwater runoff, and other un-
2 treated flows;

3 (ii) criteria for selecting—

4 (I) water quality restoration and
5 protection projects; and

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

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

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

14 (3) OPERATIONS AND MAINTENANCE FUND-
15 ING.—

16 (A) IN GENERAL.—In developing the ac-
17 tion plan under paragraph (1), the Adminis-
18 trator, working with the entities described in
19 section 203(c), shall assess and identify poten-
20 tial alternative sources and approaches for fi-
21 nancing infrastructure projects, including fi-
22 nancing the operations and maintenance of
23 those infrastructure projects.

24 (B) REQUIREMENT.—In carrying out sub-
25 paragraph (A), the Administrator shall assess

1 the approaches identified in the report of the
2 Environmental Financial Advisory Board enti-
3 tled “Evaluating Stormwater Infrastructure
4 Funding and Financing” and dated March
5 2020.

6 (b) ISSUANCE; UPDATES.—The Administrator
7 shall—

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

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

14 (c) PRIORITY LIST.—

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

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

24 (B) estimates the costs and identifies the
25 entities that will fund the construction, oper-

1 ation, and maintenance of each project on the
2 priority list;

3 (C) is developed in coordination with the
4 entities described in section 203(c);

5 (D) assists agencies to coordinate funding;
6 and

7 (E) identifies projects—

8 (i) in the New River watershed; and

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

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

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

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

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

25 (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 New 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
16 203(c).

17 **SEC. 205. 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 201(b) and imple-
21 ment priority projects identified under section 204(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 203(c)(9),
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 203(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 201(b); and

15 (2) advance the implementation of priority
16 projects identified under section 204(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 2026
23 through 2036, 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. 206. 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, 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 204(c), for each Federal agency described
20 in section 203(c)(1).

21 **SEC. 207. 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 III—BORDER WATER IN-**
12 **FRASTRUCTURE IMPROVE-**
13 **MENT**

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

16 (a) DEFINITIONS.—In this section:

17 (1) ELIGIBLE ENTITY.—The term “eligible enti-
18 ty” means the United States Section of the Inter-
19 national Boundary and Water Commission, a State,
20 a local government, an Indian Tribe, or a water or
21 wastewater district with jurisdiction over any area in
22 the United States or Mexico that is located within
23 100 kilometers of the United States-Mexico border.

24 (2) ELIGIBLE PROJECT.—

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

8 (i) addresses an existing human
9 health or ecological issue;

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

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

23 (iv) is proposed by an eligible entity
24 with legal authority—

25 (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.

