

**AMENDMENT TO**  
**RULES COMMITTEE PRINT 118-36**  
**OFFERED BY MR. VARGAS OF CALIFORNIA**

At the end of title XVII, add the following:

1     **Subtitle D—Tijuana River Public**  
2             **Health and Water Quality.**

3     **SEC. 1761. PURPOSE.**

4             The purposes of this subtitle are—

5                     (1) to establish a program to plan and imple-  
6             ment water quality restoration and protection activi-  
7             ties;

8                     (2) to ensure the coordination of restoration  
9             and protection activities among Federal, State, local,  
10            and regional entities and conservation partners re-  
11            lating to water quality and stormwater management  
12            in the American Tijuana River watershed; and

13                    (3) to provide funding for water quality restora-  
14            tion and protection activities in the American Ti-  
15            juana River watershed.

16     **SEC. 1762. DEFINITIONS.**

17             In this subtitle:

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

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

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

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

16          (5) MEXICAN.—The term “Mexican” means, as  
17          applicable, the Federal, State, and local governments  
18          of Mexico.

19          (6) MEXICAN TIJUANA RIVER WATERSHED.—  
20          The term “Mexican Tijuana River watershed”  
21          means the portion of the Tijuana River watershed  
22          that lies in Mexico.

23          (7) PROGRAM.—The term “program” means  
24          the Tijuana River Public Health and Water Quality

1 Restoration Program established under section  
2 1762(a).

3 (8) PROGRAM DIRECTOR.—The term “Program  
4 Director” means an individual designated by the  
5 EPA Administrator who shall have leadership and  
6 project management experience and who shall be  
7 qualified to—

8 (A) direct the integration of multiple  
9 project planning efforts and programs from dif-  
10 ferent agencies and jurisdictions;

11 (B) align numerous, and possibly com-  
12 peting, priorities to accomplish visible and  
13 measurable outcomes under the Action Plan;

14 (C) manage efforts and associated func-  
15 tions needed to run the Tijuana River Valley  
16 Watershed Restoration and Conservation Pro-  
17 gram Management Conference;

18 (D) facilitate engagement with the Inter-  
19 national Boundary and Water Commission and  
20 related Federal agencies;

21 (E) solicit feedback from relevant Federal,  
22 State, Tribal, local, Public, non-profit, and  
23 other relevant stakeholders on the creation and  
24 implementation of the Action Plan; and

1 (F) consult with Indian Tribes within the  
2 Tijuana River Valley Watershed region.

3 (9) SECRETARY.—The term “Secretary” means  
4 the Secretary of State.

5 (10) TIJUANA RIVER.—The term “Tijuana  
6 River” means the river that rises in the Sierra de  
7 Juarez in Mexico, flows through the City of Tijuana  
8 and then north into the United States, passes  
9 through the Tijuana River estuary, and drains into  
10 the Pacific Ocean.

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

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

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

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

1 **SEC. 1763. TIJUANA RIVER PUBLIC HEALTH AND WATER**  
2 **QUALITY RESTORATION PROGRAM.**

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

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

8 (1) the Administrator shall—

9 (A) establish in the Environmental Protec-  
10 tion Agency a Tijuana River Public Health and  
11 Water Quality Restoration Program to develop  
12 a comprehensive Water Quality Plan to address  
13 pollution prevention, environmental and ecologi-  
14 cal restoration, climate change, resilience, and  
15 mitigation, and related efforts in the Tijuana  
16 River Valley Watershed region;

17 (B) designate a Program Director of the  
18 Office within 180 days of passage of this sub-  
19 title;

20 (C) carry out projects, plans, and initia-  
21 tives for the Tijuana River and work in con-  
22 sultation with applicable management entities,  
23 including representatives of the Federal Govern-  
24 ment, State and local governments, and re-  
25 gional and nonprofit organizations, to carry out  
26 public health and water quality restoration and

1 protection activities relating to the Tijuana  
2 River;

3 (D) carry out activities that—

4 (i) develop, using monitoring, data  
5 collection, and assessment, a shared set of  
6 science-based water quality restoration and  
7 protection activities identified in accord-  
8 ance with subparagraph (C);

9 (ii) support the implementation of a  
10 shared set of science-based water quality  
11 restoration and protection activities identi-  
12 fied in accordance with subparagraph (C),  
13 including water reuse projects, water recy-  
14 cling projects, and natural and green infra-  
15 structure projects;

16 (iii) target cost-effective projects with  
17 measurable results; and

18 (iv) maximize public health and water  
19 quality conservation outcomes;

20 (E) coordinate the development of con-  
21 sistent Federal policies, strategies, projects, and  
22 priorities for addressing the public health and  
23 water quality restoration and protection of the  
24 Tijuana River;

1 (F) coordinate a funding strategy among  
2 available funding sources in the region; and

3 (G) provide grants, agreements, and tech-  
4 nical assistance in accordance with section  
5 1765; and

6 (2) the Director shall convene the management  
7 conference within 120 days of their appointment.

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

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

11 (A) the Secretary;

12 (B) the Commissioner;

13 (C) the Secretary of Agriculture;

14 (D) the Secretary of Homeland Security;

15 (E) the Administrator of General Services;

16 (F) the Commissioner of U.S. Customs  
17 and Border Protection;

18 (G) the Secretary of the Interior;

19 (H) the Secretary of the Army, acting  
20 through the Chief of Engineers;

21 (I) the Administrator of the National Oce-  
22 anic and Atmospheric Administration;

23 (J) the Director of the United States Fish  
24 and Wildlife Service;

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

3 (L) A representative of Naval Base Coro-  
4 nado;

5 (M) A representative of the Commander,  
6 Navy Region Southwest;

7 (N) A representative of the Coast Guard;

8 (O) A representative of the U.S. Geological  
9 Survey

10 (P) A representative of the Bureau of In-  
11 dian Affairs; and

12 (Q) A representative from each Indian  
13 Tribe located within the Tijuana River Valley;

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

15 (A) the Governor of California;

16 (B) the California Environmental Protec-  
17 tion Agency;

18 (C) the California State Water Resources  
19 Control Board;

20 (D) the California Department of Water  
21 Resources; and

22 (E) the San Diego Regional Water Quality  
23 Control Board;

24 (3) 2 representatives of affected units of local  
25 government in the State, chosen on a rotating 3-year

1 cycle by the Governor of California, including rep-  
2 resentatives from the City of Imperial Beach, the  
3 City of San Diego, the City of Chula Vista, the City  
4 of Coronado, the Port of San Diego, and the County  
5 of San Diego;

6 (4) 2 representatives of relevant nonprofit  
7 groups, chosen on a rotating 3-year cycle by the  
8 Governor of California;

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

14 (6) representatives of the North American De-  
15 velopment Bank.

16 (d) COOPERATIVE AGREEMENTS AND MEMORANDA  
17 OF UNDERSTANDING.—

18 (1) IN GENERAL.—To achieve the purposes of  
19 this subtitle and to ensure effective coordination of  
20 Federal and non-Federal water quality restoration  
21 and protection activities, the Administrator shall use  
22 amounts made available for these purposes from any  
23 federal agency, including the border water infra-  
24 structure program, to enter into cooperative agree-

1       ments and memoranda of understanding with, and  
2       provide technical assistance to—

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       shall 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 Tijuana 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 Ti-  
24              juana 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 subtitle.

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 (e) AUTHORIZATION OF APPROPRIATIONS.—

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

11 (2) SET ASIDE.—Of amounts made available to  
12 carry out this section, the Administrator may use up  
13 to 5 percent for grants under this section for sala-  
14 ries, expenses, and administration.

15 **SEC. 1764. WATER QUALITY PLAN.**

16 (a) DEVELOPMENT.—

17 (1) IN GENERAL.—The Administrator, in con-  
18 sultation with the entities described in section  
19 1762(e), shall develop a plan for the purpose of im-  
20 proving and protecting the water quality of the Ti-  
21 juana River watershed.

22 (2) REQUIREMENTS.—The plan under para-  
23 graph (1) shall—

24 (A) build on and incorporate any existing  
25 efforts and plans to improve and protect the

1 water quality of the Tijuana River watershed,  
2 including ongoing and completed efforts and  
3 plans; and

4 (B) include—

5 (i) such features as are needed to im-  
6 prove and protect the quality of waste-  
7 water, stormwater runoff, and other un-  
8 treated flows;

9 (ii) criteria for selecting—

10 (I) water quality restoration and  
11 protection projects; and

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

14 (iii) the amounts necessary for the op-  
15 erations and maintenance of infrastructure  
16 existing on and constructed after the date  
17 of enactment of this Act; and

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

20 (3) OPERATIONS AND MAINTENANCE FUND-  
21 ING.—

22 (A) IN GENERAL.—The Administrator,  
23 working with the entities described in section  
24 1763(c), shall assess and identify potential al-  
25 ternative sources and approaches for financing

1 infrastructure projects, including financing the  
2 operations and maintenance of those infrastruc-  
3 ture projects.

4 (B) REQUIREMENT.—In carrying out sub-  
5 paragraph (A), the Administrator shall assess  
6 the approaches identified in the report of the  
7 Environmental Financial Advisory Board enti-  
8 tled “Evaluating Stormwater Infrastructure  
9 Funding and Financing” and dated March  
10 2020.

11 (b) ISSUANCE; UPDATES.—The Administrator  
12 shall—

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

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

18 (c) PRIORITY LIST.—

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

23 (A) provides for the management of waste-  
24 water or stormwater or the removal of debris,  
25 sediment, chemicals, bacteria, and other con-

1 taminants from the water flowing north into the  
2 United States;

3 (B) estimates the costs and identifies the  
4 entities that will fund the construction, oper-  
5 ation, and maintenance of each project on the  
6 priority list;

7 (C) is developed in coordination with the  
8 entities described in section 1762(e);

9 (D) assists agencies to coordinate funding;  
10 and

11 (E) identifies projects—

12 (i) in the American Tijuana River wa-  
13 tershed; and

14 (ii) that address transboundary flows  
15 that affect coastal communities in and  
16 near the Tijuana River watershed.

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

19 (A) use the best available science, includ-  
20 ing any relevant findings and recommendations  
21 of a watershed assessment conducted by Fed-  
22 eral, State, and local agencies;

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

1 (C) include, in order of priority, potential  
2 or proposed water quality or stormwater  
3 projects for the restoration and protection of  
4 the Tijuana River that—

5 (i) would help—

6 (I) to achieve and maintain the  
7 water quality standards for—

8 (aa) public health;

9 (bb) recreational opportuni-  
10 ties;

11 (cc) scenic resources; and

12 (dd) wildlife and habitat;

13 and

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

18 (ii) would identify responsible agencies  
19 and funding sources through coordinated  
20 efforts by the entities described in section  
21 1763(e).

22 **SEC. 1765. GRANTS, AGREEMENTS, AND ASSISTANCE.**

23 (a) IN GENERAL.—In order to carry out the purposes  
24 of the program as described in section 1761, the Adminis-  
25 trator may—

1           (1) provide grants and technical assistance to  
2           the Commissioner, State and local governments,  
3           nonprofit organizations, and institutions of higher  
4           education, in both the United States and Mexico;  
5           and

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

8           (b) CRITERIA.—The Administrator, in consultation  
9           with the entities described in section 1762(c), shall develop  
10          criteria for providing grants and technical assistance and  
11          entering into interagency agreements under subsection (a)  
12          to ensure that activities carried out under an interagency  
13          agreement or using those grants or technical assistance—

14                 (1) accomplish 1 or more of the purposes iden-  
15                 tified in section 1761; and

16                 (2) advance the implementation of priority  
17                 projects identified under section 1763(c).

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

22          (d) ADMINISTRATION.—

23                 (1) IN GENERAL.—The Administrator may  
24                 enter into an agreement to manage the implementa-  
25                 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 subtitle.

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       able to carry out this section.

20        **SEC. 1766. ANNUAL BUDGET PLAN.**

21        The President, as part of the annual budget submis-  
22       sion of the President to Congress under section 1105(a)  
23       of title 31, United States Code, shall submit estimated ex-  
24       penditures and proposed appropriations for projects under  
25       this subtitle for the current year, the budget year, and

1 5 outyears (as those terms are defined in section 250(c)  
2 of the Balanced Budget and Emergency Deficit Control  
3 Act of 1985 (2 U.S.C. 900(c))), including for projects in-  
4 cluded in the priority list under section 1763(c), for each  
5 Federal agency described in section 1762(c)(1).

6 **SEC. 1767. REPORTS.**

7 Not later than 180 days after the date of enactment  
8 of this subtitle, and every 2 years thereafter, the Adminis-  
9 trator shall submit to Congress a report on the implemen-  
10 tation of this subtitle, including—

11 (1) a description of—

12 (A) each project that has received funding  
13 pursuant to this subtitle; and

14 (B) the status of all projects that have re-  
15 ceived funding pursuant to this subtitle that are  
16 in progress on the date of submission of the re-  
17 port; and

18 (2) an assessment of the effectiveness of the op-  
19 eration and maintenance of each project that has  
20 been carried out pursuant to this subtitle.

