

115TH CONGRESS  
1ST SESSION

# H. R. 3795

To direct the Secretary of the Army, acting through the Chief of Engineers, to carry out a comprehensive protection and rehabilitation program for the Tijuana River Valley, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2017

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

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## A BILL

To direct the Secretary of the Army, acting through the Chief of Engineers, to carry out a comprehensive protection and rehabilitation program for the Tijuana River Valley, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tijuana River Valley  
5 Comprehensive Protection and Rehabilitation Act of  
6 2017”.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the Tijuana River Valley is a broad natural  
4 floodplain containing a variety of wetland and ripar-  
5 ian areas;

6 (2) the Tijuana River Valley is a small portion  
7 of the Tijuana River’s 1,700 square miles of water-  
8 shed;

9 (3) the Tijuana River’s watershed area includes  
10 portions of south San Diego County and northern  
11 Baja California, Mexico;

12 (4) the Tijuana River Valley Planning Area is  
13 bounded by the city of Imperial Beach and the Otay  
14 Mesa-Nestor community to the north, the San  
15 Ysidro community to the east, Mexico to the south,  
16 and Border Field State Park and Imperial Beach to  
17 the west;

18 (5) near the coast is the most extensive salt  
19 marsh in southern California, which is preserved  
20 within the Tijuana River National Estuarine Sanc-  
21 tuary;

22 (6) further inland, the Tijuana River is vege-  
23 tated with riparian habitat;

24 (7) the Tijuana River Valley is bounded on the  
25 south by high mesas and deep canyons covered by  
26 chaparral, sage scrub, and grasslands;

1           (8) the floodplain of the Tijuana River Valley  
2           currently contains a mixture of agricultural fields,  
3           equestrian facilities, rural housing, riparian wood-  
4           land, and disturbed habitats;

5           (9) periodic rains in the region have produced  
6           flooding and cross-border flows of wastewater and  
7           sewage, causing public health concerns as well as  
8           disruptions to the local tourist economy and military  
9           readiness; and

10          (10) in February 2017, as reported in the  
11          Transboundary Bypass Flows into the Tijuana River  
12          report released by the United States section of the  
13          International Boundary and Water Commission,  
14          United States and Mexico, approximately 28 million  
15          gallons of sewage was discharged into the Tijuana  
16          River Valley, resulting in beach closures throughout  
17          the region.

18          (b) SENSE OF CONGRESS.—It is the sense of Con-  
19          gress that all pertinent Federal agencies, in conjunction  
20          with their Mexican counterparts, should use all available  
21          resources to upgrade and enhance the physical infrastruc-  
22          ture of the Tijuana River Valley to stop and manage all  
23          wastewater, sewage, trash, and sediment spills.

24          **SEC. 3. DEFINITIONS.**

25          In this Act, the following definitions apply:

1           (1) MEXICAN GOVERNMENTS.—The term  
2 “Mexican governments” means the Federal, State,  
3 and local governments of the United Mexican States.

4           (2) RESTORATION AND PROTECTION.—The  
5 term “restoration and protection” means the con-  
6 servation, stewardship, and enhancement of the  
7 physical infrastructure in both the United States  
8 and Mexico to prevent flooding and wastewater, sew-  
9 age, trash, and sediment spills in the Tijuana River  
10 Valley.

11           (3) SECRETARY.—The term “Secretary” means  
12 the Secretary of the Army, acting through the Chief  
13 of Engineers.

14           (4) TIJUANA RIVER VALLEY.—The term “Ti-  
15 juana River Valley” means the planning area in San  
16 Diego County bounded by the city of Imperial Beach  
17 and the Otay Mesa-Nestor community to the north,  
18 the San Ysidro community to the east, Mexico to the  
19 south, and Border Field State Park and Imperial  
20 Beach to the west.

21 **SEC. 4. TIJUANA RIVER VALLEY COMPREHENSIVE PROTEC-**  
22 **TION AND REHABILITATION PROGRAM.**

23           (a) IN GENERAL.—In accordance with the require-  
24 ments of this section, the Secretary shall establish and

1 carry out a comprehensive protection and rehabilitation  
2 program for the Tijuana River Valley.

3 (b) COORDINATION.—In establishing the program,  
4 the Secretary shall consult, as appropriate, with—

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

6 (A) the Secretary of the Interior;

7 (B) the Secretary of Homeland Security;

8 (C) the Administrator of General Services;

9 (D) the Administrator of the Environ-  
10 mental Protection Agency;

11 (E) the Secretary of State;

12 (F) the Commissioner of U.S. Customs  
13 and Border Protection; and

14 (G) the Director of the United States Fish  
15 and Wildlife Service;

16 (2) the United States Commissioner, Inter-  
17 national Boundary and Water Commission, United  
18 States and Mexico;

19 (3) the Border Environment Cooperation Com-  
20 mission;

21 (4) the North American Development Bank;

22 (5) the Governor of California;

23 (6) the California Environmental Protection  
24 Agency;

25 (7) the city of Imperial Beach;

1 (8) the city of San Diego;

2 (9) the county of San Diego;

3 (10) the San Diego Regional Water Quality  
4 Control Board;

5 (11) the Tijuana River National Estuarine Re-  
6 search Reserve;

7 (12) Mexican governments; and

8 (13) other public agencies and organizations  
9 with authority for the planning and implementation  
10 of conservation strategies relating to the Tijuana  
11 River Valley in both the United States and Mexico.

12 (c) PURPOSES.—The purposes of the program in-  
13 clude—

14 (1) coordinating restoration and protection ac-  
15 tivities among Mexican, Federal, State, local, and re-  
16 gional entities and conservation partners relating to  
17 the Tijuana River Valley; and

18 (2) carrying out coordinated restoration and  
19 protection activities, and providing for technical as-  
20 sistance, relating to the Tijuana River Valley.

21 (d) FEASIBILITY AND TECHNICAL ASSISTANCE  
22 PLAN.—Not later than 360 days after the date of enact-  
23 ment of this Act, the Secretary shall develop a feasibility  
24 and technical assistance plan for updated wastewater in-

1 frastructure and flood preparedness in the Tijuana River  
2 Valley.

3 (e) GRANTS AND ASSISTANCE.—

4 (1) IN GENERAL.—In carrying out the program,  
5 the Secretary shall provide grants and technical as-  
6 sistance to State and local governments, nonprofit  
7 organizations, and institutions of higher education,  
8 in both the United States and Mexico, to carry out  
9 the purposes of the program.

10 (2) CRITERIA.—The Secretary, in consultation  
11 with the organizations described in subsection (b),  
12 shall develop criteria for providing grants and tech-  
13 nical assistance under this subsection to ensure that  
14 such activities accomplish one or more of the pur-  
15 poses identified in subsection (c) and advance the  
16 implementation of priority actions or needs identified  
17 under the program.

18 (f) GRANT MANAGEMENT SERVICES.—

19 (1) IN GENERAL.—The Secretary may enter  
20 into an agreement to manage the implementation of  
21 this section with the North American Development  
22 Bank, the Border Environment Cooperation Com-  
23 mission, or a similar organization that offers grant  
24 management services.

1           (2) FUNDING.—If the Secretary enters into an  
2           agreement under paragraph (1), the organization se-  
3           lected 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 October 1 of that fiscal  
7                   year or as soon as practicable thereafter;

8                   (B) invest and reinvest those amounts for  
9                   the benefit of the program; and

10                   (C) 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 section.

14           (g) COST SHARING.—The Federal share of the cost  
15           of a project for which a grant is provided under this sec-  
16           tion may not exceed 55 percent of the total cost of the  
17           project.

18           (h) PRIORITY.—In selecting projects to receive assist-  
19           ance under the program, the Secretary shall give priority  
20           to projects with matching funds from State and local gov-  
21           ernments or Mexican governments.

22           (i) AUTHORIZATION OF APPROPRIATIONS.—There  
23           are authorized to be appropriated for each fiscal year such  
24           sums as may be necessary to carry out this section.



1 **SEC. 5. MONITORING AND NOTIFICATIONS.**

2 (a) **TRANSBOUNDARY WATERWAY ALERT SYSTEM.**—  
3 Using the systems of the International Boundary and  
4 Water Commission, United States and Mexico, the Sec-  
5 retary of State shall establish an updated and online sys-  
6 tem, to be known as the “Transboundary Waterway Alert  
7 System” (in this section referred to as the “System”), to  
8 monitor, warn, and protect citizens of the United States  
9 from undue and avoidable harm from wastewater, sewage,  
10 trash, and sediment spills and flooding for each major wa-  
11 terway along the United States-Mexico border.

12 (b) **OBJECTIVES.**—The objectives of the System shall  
13 be to monitor all the waterways along the United States-  
14 Mexico border—

15 (1) to ensure updated and timely information  
16 on all water testing results, wastewater, sewage,  
17 trash, and sediment spills, and flood warnings; and

18 (2) to ensure that such information is accessible  
19 and readily available to the public and government  
20 officials on the internet.

21 (c) **PARTNERSHIPS.**—The Secretary of State may  
22 enter into cooperative agreements with institutions of  
23 higher education and Mexican governments for the estab-  
24 lishment and management of the System.

25 (d) **NOTIFICATION.**—

1           (1) NOTIFICATION OF MEXICAN GOVERN-  
2           MENTS.—The Secretary of State shall submit a dip-  
3           lomatic note to its Mexican counterparts to provide  
4           information of a wastewater, sewage, trash, or sedi-  
5           ment spill in the Tijuana River Valley upon the ini-  
6           tial discovery of the spill.

7           (2) NOTIFICATION OF UNITED STATES LOCAL  
8           GOVERNMENTS.—The Secretary of State, acting  
9           through the United States Commissioner, Inter-  
10          national Boundary and Water Commission, United  
11          States and Mexico, shall notify the city of San  
12          Diego, the city of Imperial Beach, and the county of  
13          San Diego upon initial discovery of a wastewater,  
14          sewage, trash, or sediment spill in the Tijuana River  
15          Valley.

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