

117TH CONGRESS  
2D SESSION

# S. 4548

To provide for the assumption of full ownership and control of the International Outfall Interceptor in Nogales, Arizona, by the International Boundary and Water Commission, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 19, 2022

Ms. SINEMA (for herself and Mr. KELLY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To provide for the assumption of full ownership and control of the International Outfall Interceptor in Nogales, Arizona, by the International Boundary and Water Commission, 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 “Nogales Wastewater  
5 Improvement Act of 2022”.

6 **SEC. 2. AMENDMENT TO THE ACT OF JULY 27, 1953.**

7 The first section of the Act of July 27, 1953 (67 Stat.  
8 195, chapter 242; 22 U.S.C. 277d–10), is amended by

1 striking the period at the end and inserting “: *Provided*  
 2 *further*, That the equitable portion of the Nogales sanita-  
 3 tion project for the city of Nogales, Arizona, shall be lim-  
 4 ited to the costs directly associated with the treatment and  
 5 conveyance of the wastewater of the city and, to the extent  
 6 practicable, shall not include any costs directly associated  
 7 with the quality or quantity of wastewater originating in  
 8 Mexico.”.

9 **SEC. 3. NOGALES SANITATION PROJECT.**

10 (a) DEFINITIONS.—In this section:

11 (1) CITY.—The term “City” means the City of  
 12 Nogales, Arizona.

13 (2) COMMISSION.—The term “Commission”  
 14 means the United States Section of the Inter-  
 15 national Border and Water Commission.

16 (3) INTERNATIONAL OUTFALL INTERCEPTOR.—  
 17 The term “International Outfall Interceptor” means  
 18 the pipeline that conveys wastewater from the  
 19 United States-Mexico border to the Nogales Inter-  
 20 national Wastewater Treatment Plant.

21 (4) NOGALES INTERNATIONAL WASTEWATER  
 22 TREATMENT PLANT.—The term “Nogales Inter-  
 23 national Wastewater Treatment Plant” means the  
 24 wastewater treatment plant that—

25 (A) is operated by the Commission;

1 (B) is located in Rio Rico, Santa Cruz  
2 County, Arizona, after manhole 99; and

3 (C) treats sewage and wastewater origi-  
4 nating from—

5 (i) Nogales, Sonora, Mexico; and

6 (ii) Nogales, Arizona.

7 (b) OWNERSHIP AND CONTROL.—

8 (1) IN GENERAL.—Subject to paragraph (2)  
9 and in accordance with authority under the Act of  
10 July 27, 1953 (67 Stat. 195, chapter 242; 22  
11 U.S.C. 277d–10 et seq.), on transfer by donation  
12 from the City of the current stake of the City in the  
13 International Outfall Interceptor to the Commission,  
14 the Commission shall enter into such agreements as  
15 are necessary to assume full ownership and control  
16 over the International Outfall Interceptor.

17 (2) AGREEMENTS REQUIRED.—The Commission  
18 shall assume full ownership and control over the  
19 International Outfall Interceptor under paragraph  
20 (1) after all applicable governing bodies in the State  
21 of Arizona, including the City, have—

22 (A) signed memoranda of understanding  
23 granting to the Commission access to existing  
24 easements for a right of entry to the Inter-

1 national Outfall Interceptor for the life of the  
2 International Outfall Interceptor;

3 (B) entered into an agreement with respect  
4 to the flows entering the International Outfall  
5 Interceptor that are controlled by the City; and

6 (C) agreed to work in good faith to expedi-  
7 tiously enter into such other agreements as are  
8 necessary for the Commission to operate and  
9 maintain the International Outfall Interceptor.

10 (c) OPERATIONS AND MAINTENANCE.—

11 (1) IN GENERAL.—Beginning on the date on  
12 which the Commission assumes full ownership and  
13 control of the International Outfall Interceptor  
14 under subsection (b)(1), but subject to subsection  
15 (e), the Commission shall be responsible for the op-  
16 erations and maintenance of the International Out-  
17 fall Interceptor.

18 (2) AUTHORIZATION OF APPROPRIATIONS.—

19 There are authorized to be appropriated to the Com-  
20 mission to carry out this subsection, to remain avail-  
21 able until expended—

22 (A) \$4,400,000 for fiscal year 2023; and

23 (B) not less than \$2,500,000 for fiscal  
24 year 2024 and each fiscal year thereafter.

25 (d) DEBRIS SCREEN.—

1 (1) DEBRIS SCREEN REQUIRED.—

2 (A) IN GENERAL.—The Commission shall  
3 construct, operate, and maintain a debris screen  
4 at Manhole One of the International Outfall In-  
5 terceptor for intercepting debris and drug bun-  
6 dles coming to the United States from Nogales,  
7 Sonora, Mexico.

8 (B) REQUIREMENT.—In constructing and  
9 operating the debris screen under subparagraph  
10 (A), the Commission and the Commissioner of  
11 U.S. Customs and Border Protection shall co-  
12 ordinate—

13 (i) the removal of drug bundles and  
14 other illicit goods caught in the debris  
15 screen; and

16 (ii) other operations at the Inter-  
17 national Outfall Interceptor that require  
18 coordination.

19 (2) AUTHORIZATION OF APPROPRIATIONS.—  
20 There are authorized to be appropriated to the Com-  
21 mission, to remain available until expended—

22 (A) \$11,900,000 for fiscal year 2023 for  
23 construction of the debris screen described in  
24 paragraph (1)(A); and

1 (B) \$2,200,000 for fiscal year 2024 and  
2 each fiscal year thereafter for the operations  
3 and maintenance of the debris screen described  
4 in paragraph (1)(A).

5 (e) LIMITATION OF CLAIMS.—Chapter 171 and sec-  
6 tion 1346(b) of title 28, United States Code (commonly  
7 known as the “Federal Tort Claims Act”), shall not apply  
8 to any claim arising from the activities of the Commission  
9 in carrying out this section, including any claim arising  
10 from damages that result from overflow of the Inter-  
11 national Outfall Interceptor due to excess inflow to the  
12 International Outfall Interceptor originating from  
13 Nogales, Sonora, Mexico.

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