

117TH CONGRESS
1ST SESSION

S. 572

To provide for the water quality restoration of the Tijuana River and the New River, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2021

Mrs. FEINSTEIN (for herself and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide for the water quality restoration of the Tijuana River and the New River, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Border Water Quality Restoration and Protection Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—TIJUANA RIVER PUBLIC HEALTH AND WATER QUALITY
RESTORATION

- Sec. 101. Findings; purpose.
 Sec. 102. Definitions.
 Sec. 103. Tijuana River Public Health and Water Quality Restoration Program.
 Sec. 104. Water quality plan.
 Sec. 105. Grants, agreements, and assistance.
 Sec. 106. Annual budget plan.
 Sec. 107. Reports.

TITLE II—NEW RIVER PUBLIC HEALTH AND WATER QUALITY RESTORATION

- Sec. 201. Findings; purpose.
 Sec. 202. Definitions.
 Sec. 203. California New River Public Health and Water Quality Restoration Program.
 Sec. 204. Water quality plan.
 Sec. 205. Grants, agreements, and assistance.
 Sec. 206. Annual budget plan.
 Sec. 207. Reports.

TITLE III—BORDER WATER INFRASTRUCTURE IMPROVEMENT

- Sec. 301. United States-Mexico border water infrastructure program.

TITLE IV—MISCELLANEOUS

- Sec. 401. Role of the Commissioner and international agreements.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

10 (3) MEXICAN.—The term “Mexican” means, as
 11 applicable, the Federal, State, and local governments
 12 of Mexico.

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

6 (5) SECRETARY.—The term “Secretary” means
 7 the Secretary of State.

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

14 (7) WATER REUSE.—The term “water reuse”
 15 has the meaning given the term in the document of
 16 the Environmental Protection Agency entitled “Na-
 17 tional Water Reuse Action Plan Collaborative Imple-
 18 mentation (Version 1)” and dated February 2020.

19 **TITLE I—TIJUANA RIVER PUB-**
 20 **LIC HEALTH AND WATER**
 21 **QUALITY RESTORATION**

22 **SEC. 101. FINDINGS; PURPOSE.**

23 (a) FINDINGS.—Congress finds that—

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

4 (2) $\frac{3}{4}$ of the 1,750 square mile watershed of
5 the Tijuana River lies in Mexico, and the remaining
6 $\frac{1}{4}$ includes the Tijuana River National Estuarine
7 Research Reserve in the United States;

8 (3) the Tijuana River National Estuarine Re-
9 search Reserve is a partnership of Federal and State
10 agencies, including the National Oceanic and Atmos-
11 pheric Administration, California State Parks, and
12 the United States Fish and Wildlife Service;

13 (4) the Tijuana River is a significant estuary
14 and watershed, providing—

15 (A) economic and health benefits to the
16 citizens of the United States and Mexico; and

17 (B) environmental benefits as critical habi-
18 tat to shore birds;

19 (5) the economy of communities in southern
20 California, including smaller communities, such as
21 the City of Imperial Beach, and larger municipali-
22 ties, such as the City of San Diego, may be signifi-
23 cantly affected if the natural beauty and recreational
24 opportunities of the Tijuana River are degraded;

1 (6) the Tijuana River watershed is in the midst
2 of an environmental crisis, as stormwater flows from
3 the upper watershed, originating in Tijuana, Mexico,
4 carrying pollutants such as bacteria, trash, and sedi-
5 ment that severely affect water quality;

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

13 (8) as reported by the Government Account-
14 ability Office in February 2020, transboundary flows
15 of untreated sewage, combined with unmanaged
16 stormwater, bring bacteria and other contaminants
17 into the Tijuana River Valley watershed and beaches
18 in the United States;

19 (9) sediment flows into the Tijuana River Na-
20 tional Wildlife Refuge and blocks the flow of ocean
21 water and creating an imbalance in water salinity,
22 necessary for marsh plants, fish, and birds;

23 (10) the City of Imperial Beach has closed
24 beach access $\frac{1}{3}$ of each year for several years before

1 the date of enactment of this Act due to risk to
2 human health;

3 (11) flows of untreated sewage, chemicals, and
4 pollution from Mexico jeopardize the health of Bor-
5 der Patrol agents and limiting the ability of those
6 agents to operate in areas affected by these flows;

7 (12) in the 2 years before the date of enact-
8 ment of this Act, local Border Patrol union officials
9 have reported that over 100 officers have suffered
10 from contamination, rashes, infections, chemical
11 burns, and lung irritation due to toxic cross-border
12 flows;

13 (13) a March 2020 report of the Environmental
14 Financial Advisory Board of the Environmental Pro-
15 tection Agency—

16 (A) found that—

17 (i) “stormwater knows no jurisdic-
18 tional boundaries . . . and is a principal
19 cause of water quality issues nationwide”;
20 and

21 (ii) adequate funding to manage
22 stormwater pollution lags behind the in-
23 vestments made in wastewater manage-
24 ment and the delivery of safe drinking
25 water by decades; and

1 (B) concluded that Federal investment will
2 be required to address—

3 (i) the lack of State and local funding;

4 and

5 (ii) multi-jurisdictional stormwater
6 management needs;

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

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

18 (16) the International Boundary and Water
19 Commission has negotiated 8 minutes to resolve
20 water quality problems in the Tijuana River, among
21 other subjects;

22 (17) 1 of the most recent minutes authorized
23 the construction of the South Bay International
24 Wastewater Treatment Plant in San Ysidro to treat,
25 on average, 25,000,000 gallons of sewage from Ti-

1 juana per day, which has reduced the sewage coming
2 into the United States;

3 (18) the sewer system of Tijuana is—

4 (A) aging and deteriorating; and

5 (B) insufficient to meet the needs of a
6 quickly growing population;

7 (19) in February 2017, 1 of the main sewer col-
8 lectors of Tijuana broke, sending an estimated
9 143,000,000 gallons of raw sewage into the United
10 States, which was not the only time such a break oc-
11 curred;

12 (20) from February to July of 2019, an esti-
13 mated 4,500,000,000 gallons of wastewater, treated
14 water, and stormwater flowed from Mexico to the
15 United States;

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

19 (22) a 2019 study entitled “Tijuana River Di-
20 version Study: Flow Estimates, Infrastructure Diag-
21 nostic, and Alternatives Development” estimated
22 that from 2009 through 2016, transboundary flows
23 occurred on average 138 days each year;

24 (23) those transboundary flows contain treated
25 wastewater, raw sewage, and urban runoff, with

1 most of those flows associated with wet weather and
2 stormwater;

3 (24) the study described in paragraph (22)—

4 (A) found that improving the operational
5 reliability of the existing diversion system of the
6 South Bay could reduce the number of days
7 that transboundary flows occurred; but

8 (B) estimated that there would still be on
9 average 90 days of transboundary flows each
10 year;

11 (25) the Federal Water Pollution Control Act
12 (33 U.S.C. 1251 et seq.) has established a
13 stormwater permit program under the National Pol-
14 lutant Discharge Elimination System, under which
15 municipalities have the responsibility to manage and
16 treat stormwater;

17 (26) because of the international border and
18 different treatment systems and standards, dis-
19 charges in Mexico to the Tijuana River are not
20 treated to the same standards as the standards to
21 which discharges would be treated in the United
22 States;

23 (27) the International Boundary and Water
24 Commission negotiated Minute 320 to find solutions

1 for water quality, trash, and sediment in the Tijuana
2 River;

3 (28) the United States has—

4 (A) invested at least \$250,000,000 for sec-
5 ondary wastewater treatment in the Tijuana
6 River Valley by the International Boundary and
7 Water Commission; and

8 (B) paid \$18,000,000 to operate and
9 maintain the plant in fiscal year 2018;

10 (29) the United States has also helped fund
11 water and wastewater infrastructure along the bor-
12 der through the Border Water Infrastructure Pro-
13 gram and the North American Development Bank;

14 (30) however, as the Government Accountability
15 Office found in the report described in paragraph
16 (8), the long-standing environmental and health
17 problems associated with transboundary stormwater
18 flows continue, while the International Boundary
19 and Water Commission has not taken actions to re-
20 solve existing problems by proposing and analyzing
21 alternatives, analyzing costs, identifying solutions, or
22 establishing time frames; and

23 (31) significant additional investment from
24 Federal, State, local, and Mexican resources is need-

1 ed to improve the water quality of the Tijuana River
2 watershed.

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

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

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

14 (3) to provide funding for water quality restora-
15 tion and protection activities in the Mexican Tijuana
16 River watershed and the American Tijuana River
17 watershed.

18 **SEC. 102. DEFINITIONS.**

19 In this title:

20 (1) AMERICAN TIJUANA RIVER WATERSHED.—

21 The term “American Tijuana River watershed”
22 means the portion of the Tijuana River watershed
23 that lies in the United States.

24 (2) MEXICAN TIJUANA RIVER WATERSHED.—

25 The term “Mexican Tijuana River watershed”

1 means the portion of the Tijuana River watershed
 2 that lies in Mexico.

3 (3) PROGRAM.—The term “program” means
 4 the Tijuana River Public Health and Water Quality
 5 Restoration Program established under section
 6 103(a).

7 (4) WATER QUALITY RESTORATION AND PRO-
 8TECTION.—The term “water quality restoration and
 9 protection”, with respect to the Tijuana River water-
 10 shed, means—

11 (A) the enhancement of water quality and
 12 stormwater management; and

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

17 **SEC. 103. TIJUANA RIVER PUBLIC HEALTH AND WATER**
 18 **QUALITY RESTORATION PROGRAM.**

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

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

1 (1) carry out projects, plans, and initiatives for
2 the Tijuana River and work in consultation with ap-
3 plicable management entities, including representa-
4 tives of the Federal Government, State and local
5 governments, and regional and nonprofit organiza-
6 tions, to carry out public health and water quality
7 restoration and protection activities relating to the
8 Tijuana River;

9 (2) carry out activities that—

10 (A) develop, using monitoring, data collec-
11 tion, and assessment, a shared set of science-
12 based water quality restoration and protection
13 activities identified in accordance with para-
14 graph (1);

15 (B) support the implementation of a
16 shared set of science-based water quality res-
17 toration and protection activities identified in
18 accordance with paragraph (1), including water
19 reuse projects, water recycling projects, and
20 natural and green infrastructure projects;

21 (C) target cost-effective projects with
22 measurable results; and

23 (D) maximize public health and water
24 quality conservation outcomes;

1 (3) coordinate the development of consistent
2 Federal policies, strategies, projects, and priorities
3 for addressing the public health and water quality
4 restoration and protection of the Tijuana River;

5 (4) coordinate a funding strategy among avail-
6 able funding sources in the region; and

7 (5) provide grants, agreements, and technical
8 assistance in accordance with section 105.

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

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

12 (A) the Secretary;

13 (B) the Commissioner;

14 (C) the Secretary of Agriculture;

15 (D) the Secretary of Homeland Security;

16 (E) the Administrator of General Services;

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

19 (G) the Secretary of the Interior;

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

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

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

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

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

4 (A) the Governor of California;

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

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

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

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

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

20 (4) 2 representatives of relevant nonprofit
21 groups, chosen on a rotating 3-year cycle by the
22 Governor of California;

23 (5) other public agencies and organizations with
24 authority for the planning and implementation of
25 conservation strategies relating to the Tijuana River

1 in the United States and Mexico, as determined by
 2 the Administrator; and

3 (6) representatives of the North American De-
 4 velopment Bank.

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

7 (1) IN GENERAL.—To achieve the purposes of
 8 this title and to ensure effective coordination of Fed-
 9 eral and non-Federal water quality restoration and
 10 protection activities, the Administrator shall use
 11 amounts made available for the border water infra-
 12 structure program under section 301 and payments
 13 received pursuant to paragraph (4)(A) to enter into
 14 cooperative agreements and memoranda of under-
 15 standing with, and provide technical assistance to—

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

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

22 (2) USE OF AGREEMENTS.—The Administrator
 23 shall enter into the cooperative agreements and
 24 memoranda of understanding described in paragraph
 25 (1)—

1 (A) to carry out the activities described in
 2 this section, including studies, plans, construc-
 3 tion, and completion of projects to improve the
 4 water quality of, environment of, and public
 5 health around the Tijuana River; and

6 (B) to carry out a pilot project under
 7 which the Administrator shall, for projects se-
 8 lected by the Administrator that would other-
 9 wise not be successful in improving the water
 10 quality of, environment of, and public health of
 11 people residing in areas surrounding the Ti-
 12 juana River—

13 (i) identify the parties responsible for
 14 the projects; and

15 (ii) provide funds to those parties for
 16 the operations and maintenance of the
 17 projects.

18 (3) TERM.—The cooperative agreements and
 19 memoranda of understanding described in paragraph
 20 (1) shall be limited to a specified period of time, as
 21 determined by the Administrator.

22 (4) FINANCIAL ARRANGEMENTS.—

23 (A) IN GENERAL.—If the Administrator
 24 enters into a cooperative agreement or memo-
 25 randum of understanding described in para-

graph (1), the Administrator may require the other party to the agreement or memorandum to provide payment to the Administrator.

(B) DEPOSIT.—Any amounts received as a payment under subparagraph (A) shall be deposited into the State and Tribal Assistance Grants account of the Environmental Protection Agency and shall remain available, without further appropriation, to carry out the purposes of this title.

(5) PERSONNEL; SERVICES; TECHNICAL ASSISTANCE.—The Administrator may provide or accept personnel, services, and technical assistance pursuant to a cooperative agreement or memorandum of understanding described in paragraph (1), with or without reimbursement, for the purposes of carrying out the agreement or memorandum.

SEC. 104. WATER QUALITY PLAN.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Administrator, in consultation with the entities described in section 103(c), shall develop a plan for the purpose of improving and protecting the water quality of the Tijuana River watershed.

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

3 (A) build on and incorporate any existing
4 efforts and plans to improve and protect the
5 water quality of the Tijuana River watershed,
6 including ongoing and completed efforts and
7 plans; and

8 (B) include—

9 (i) such features as are needed to im-
10 prove and protect the quality of waste-
11 water, stormwater runoff, and other un-
12 treated flows;

13 (ii) criteria for selecting—

14 (I) water quality restoration and
15 protection projects; and

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

18 (iii) the amounts necessary for the op-
19 erations and maintenance of infrastructure
20 existing on and constructed after the date
21 of enactment of this Act; and

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

24 (3) OPERATIONS AND MAINTENANCE FUND-
25 ING.—

1 (A) IN GENERAL.—The Administrator,
 2 working with the entities described in section
 3 103(c), shall assess and identify potential alter-
 4 native sources and approaches for financing in-
 5 frastructure projects, including financing the
 6 operations and maintenance of those infrastruc-
 7 ture projects.

8 (B) REQUIREMENT.—In carrying out sub-
 9 paragraph (A), the Administrator shall assess
 10 the approaches identified in the report of the
 11 Environmental Financial Advisory Board enti-
 12 tled “Evaluating Stormwater Infrastructure
 13 Funding and Financing” and dated March
 14 2020.

15 (b) ISSUANCE; UPDATES.—The Administrator
 16 shall—

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

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

22 (c) PRIORITY LIST.—

23 (1) IN GENERAL.—The plan under subsection
 24 (a)(1) shall include a priority list of potential or pro-

posed water quality restoration and protection projects for the Tijuana River watershed that—

(A) provides for the management of wastewater or stormwater or the removal of debris, sediment, chemicals, bacteria, and other contaminants from the water flowing north into the United States;

(B) estimates the costs and identifies the entities that will fund the construction, operation, and maintenance of each project on the priority list;

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

(D) assists agencies to coordinate funding; and

(E) identifies projects—

(i) in the Mexican Tijuana River watershed;

(ii) in the American Tijuana River watershed; and

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

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

1 (A) use the best available science, includ-
2 ing any relevant findings and recommendations
3 of a watershed assessment conducted by Fed-
4 eral, State, and local agencies;

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

8 (C) include, in order of priority, potential
9 or proposed water quality or stormwater
10 projects for the restoration and protection of
11 the Tijuana River that—

12 (i) would help—

13 (I) to achieve and maintain the
14 water quality standards for—

15 (aa) public health;

16 (bb) recreational opportuni-
17 ties;

18 (cc) scenic resources; and

19 (dd) wildlife and habitat;

20 and

21 (II) to address water needs in the
22 Tijuana River watershed, including
23 through water reuse and water recy-
24 cling; and

1 (ii) would identify responsible agencies
2 and funding sources through coordinated
3 efforts by the entities described in section
4 103(c).

5 **SEC. 105. GRANTS, AGREEMENTS, AND ASSISTANCE.**

6 (a) IN GENERAL.—In order to carry out the purposes
7 of the program as described in section 101(b), the Admin-
8 istrator may—

9 (1) provide grants and technical assistance to
10 the Commissioner, State and local governments,
11 nonprofit organizations, and institutions of higher
12 education, in both the United States and Mexico;
13 and

14 (2) enter into interagency agreements with
15 other Federal agencies.

16 (b) CRITERIA.—The Administrator, in consultation
17 with the entities described in section 103(c), shall develop
18 criteria for providing grants and technical assistance and
19 entering into interagency agreements under subsection (a)
20 to ensure that activities carried out under an interagency
21 agreement or using those grants or technical assistance—

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

24 (2) advance the implementation of priority
25 projects identified under section 104(c).

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

5 (d) ADMINISTRATION.—

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

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

14 (A) for each fiscal year, receive amounts to
 15 carry out this section in an advance payment of
 16 the entire amount on the date of enactment of
 17 an appropriations Act making appropriations to
 18 the Administrator for a fiscal year, or as soon
 19 as practicable thereafter; and

20 (B) otherwise administer the implementa-
 21 tion of this section to support partnerships be-
 22 tween the public and private sectors in accord-
 23 ance with this title.

24 (e) CONSTRUCTION, OPERATION, AND MAINTENANCE.—The Commissioner may construct, operate, and
 25

1 maintain any project carried out using funds made avail-
 2 able to carry out this section.

3 **SEC. 106. ANNUAL BUDGET PLAN.**

4 The President, as part of the annual budget submis-
 5 sion of the President to Congress under section 1105(a)
 6 of title 31, United States Code, shall submit estimated ex-
 7 penditures and proposed appropriations for projects under
 8 this title for the current year, the budget year, and 5 out-
 9 years (as those terms are defined in section 250(c) of the
 10 Balanced Budget and Emergency Deficit Control Act of
 11 1985 (2 U.S.C. 900(c)), including for projects included
 12 in the priority list under section 104(c), for each Federal
 13 agency described in section 103(c)(1).

14 **SEC. 107. REPORTS.**

15 Not later than 180 days after the date of enactment
 16 of this Act, and every 2 years thereafter, the Adminis-
 17 trator shall submit to Congress a report on the implemen-
 18 tation of this title, including—

19 (1) a description of—

20 (A) each project that has received funding
 21 pursuant to this title; and

22 (B) the status of all projects that have re-
 23 ceived funding pursuant to this title that are in
 24 progress on the date of submission of the re-
 25 port; and

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

4 **TITLE II—NEW RIVER PUBLIC**
5 **HEALTH AND WATER QUAL-**
6 **ITY RESTORATION**

7 **SEC. 201. FINDINGS; PURPOSE.**

8 (a) FINDINGS.—Congress finds that—

9 (1) the New River was born out of—

10 (A) occasional flows of the Colorado River
11 into the Salton Sink; and

12 (B) the erosion of the New River channel,
13 which formed the deep river canyon between
14 1905 and 1907;

15 (2) the New River—

16 (A) starts in Mexicali, Mexico;

17 (B) flows north into the United States
18 through Calexico;

19 (C) passes through the Imperial Valley;
20 and

21 (D) drains into the Salton Sea approxi-
22 mately 66 miles north of the international
23 boundary;

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

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

10 (5) by the 1980s, the New River acquired the
11 reputation of being 1 of the most polluted rivers in
12 the United States, with many pollutants in the New
13 River posing serious human health hazards to local
14 populations, particularly in Calexico and Mexicali;

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

17 (A) established a sanitation strategy for
18 the water quality problems of the New River at
19 the international border; and

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

23 (i) totaled approximately
24 \$50,000,000; and

1 (ii) were funded by both the United
2 States and Mexico through the North
3 American Development Bank;

4 (7) in 1995, the Environmental Protection
5 Agency provided funds to the California Regional
6 Water Quality Control Board to monitor and docu-
7 ment the water quality at the international boundary
8 on a monthly basis;

9 (8) in the late 1990s—

10 (A) the United States and Mexico spent
11 \$100,000,000 (of which 45 percent was paid by
12 Mexico and 55 percent was paid by the United
13 States) to build the Las Arenitas and Zaragoza
14 wastewater treatment plants; and

15 (B) after the construction of those plants,
16 untreated water from the New River was passed
17 through 4 microbial treatment cells at the Las
18 Arenitas wastewater treatment plant, which was
19 then chlorinated and fed into a reforestation
20 project along the desiccated Rio Hardy, which
21 stretches to the Sea of Cortez;

22 (9) a 10-year effort by community groups, law-
23 yers, regulatory agencies, and politicians addressed
24 the problem of water quality in the New River at the
25 source by—

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

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

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

7 (A) to create a water quality plan to study,
8 monitor, remediate, and enhance the water
9 quality of the New River to protect human
10 health; and

11 (B) to develop a river parkway suitable for
12 public use;

13 (11) in 2012, the California-Mexico Border Re-
14 lations Council approved the strategic plan for the
15 New River Improvement Project that was prepared
16 by the New River Improvement Project Technical
17 Advisory Committee;

18 (12) in 2016, the New River Improvement
19 Project Technical Advisory Committee revised the
20 recommended infrastructure of the New River Im-
21 provement Project, and the State of California ap-
22 propriated \$1,400,000 to provide grants or contracts
23 to carry out the necessary planning, design, environ-
24 mental review, and permitting work;

1 (13) the revised New River Improvement
2 Project includes the installation of a large trash
3 screen, a conveyance system, aeration devices, a new
4 pump station, and managed wetlands; and

5 (14) the existing and ongoing voluntary con-
6 servation efforts at the New River necessitate im-
7 proved efficiency and cost effectiveness, increased
8 private sector investments, and coordination of Fed-
9 eral and non-Federal resources.

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

11 (1) coordinating water quality restoration and
12 protection activities relating to the New River
13 among Mexican, Federal, State, local, and regional
14 entities and conservation partners; and

15 (2) carrying out coordinated restoration and
16 protection activities relating to the New River and
17 providing technical assistance for those activities—

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

20 (B) to improve and maintain water quality
21 to support fish and wildlife, as well as the habi-
22 tats of fish and wildlife;

23 (C) to sustain and enhance water manage-
24 ment for volume and flood damage mitigation

1 improvements to benefit fish and wildlife habi-
2 tat;

3 (D) to improve opportunities for public ac-
4 cess to, and recreation in and along, the New
5 River consistent with the ecological needs of
6 fish and wildlife habitat;

7 (E) to maximize the resilience of natural
8 systems and habitats under changing watershed
9 conditions;

10 (F) to engage the public through outreach,
11 education, and citizen involvement to increase
12 capacity and support for coordinated water
13 quality restoration and protection activities re-
14 lating to the New River;

15 (G) to increase scientific capacity to sup-
16 port the planning, monitoring, and research ac-
17 tivities necessary to carry out coordinated water
18 quality restoration and protection activities re-
19 lating to the New River; and

20 (H) to provide technical assistance to carry
21 out water quality restoration and protection ac-
22 tivities relating to the New River.

23 **SEC. 202. DEFINITIONS.**

24 In this title:

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

5 (2) WATER QUALITY RESTORATION AND PRO-
 6 TECTION.—The term “water quality restoration and
 7 protection”, with respect to the New River water-
 8 shed, means—

9 (A) the enhancement of water quality and
 10 stormwater management; and

11 (B) the use of natural and green infra-
 12 structure to enhance the ability of the water-
 13 shed to capture pollutants and reduce runoff to
 14 prevent flooding.

15 **SEC. 203. CALIFORNIA NEW RIVER PUBLIC HEALTH AND**
 16 **WATER QUALITY RESTORATION PROGRAM.**

17 (a) ESTABLISHMENT.—Not later than 180 days after
 18 the date of enactment of this Act, the Administrator shall
 19 establish a program, to be known as the “California New
 20 River Public Health and Water Quality Restoration Pro-
 21 gram”.

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

24 (1) carry out projects, plans, and initiatives for
 25 the New River that are supported by the California-

1 Mexico Border Relations Council, and work in con-
2 sultation with applicable management entities, in-
3 cluding representatives of the Calxico New River
4 Committee, the California-Mexico Border Relations
5 Council, the New River Improvement Project Tech-
6 nical Advisory Committee, the Federal Government,
7 State and local governments, and regional and non-
8 profit organizations, to carry out water quality res-
9 toration and protection activities relating to the New
10 River;

11 (2) carry out activities that—

12 (A) develop, using monitoring, data collec-
13 tion, and assessment, a shared set of science-
14 based water quality restoration and protection
15 activities identified in accordance with para-
16 graph (1);

17 (B) support the implementation of a
18 shared set of science-based water quality res-
19 toration and protection activities identified in
20 accordance with paragraph (1), including water
21 reuse projects, water recycling projects, and
22 natural and green infrastructure projects;

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

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

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

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

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

8 (A) the Secretary of the Interior;

9 (B) the Secretary of Agriculture;

10 (C) the Secretary of Homeland Security;

11 (D) the Administrator of General Services;

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

14 (F) the Commissioner;

15 (G) the Secretary of the Army, acting
16 through the Chief of Engineers;

17 (H) the Administrator of the National
18 Oceanic and Atmospheric Administration;

19 (I) the Director of the United States Fish
20 and Wildlife Service; and

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

23 (2) the Governor of California;

24 (3) the California Environmental Protection
25 Agency;

1 (4) the California State Water Resources Con-
2 trol Board;

3 (5) the California Department of Water Re-
4 sources;

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

7 (7) the Imperial Irrigation District;

8 (8) the Salton Sea Authority;

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

14 (10) 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 title and to ensure effective coordination of Fed-
20 eral and non-Federal water quality restoration and
21 protection activities, the Administrator shall use
22 amounts made available for the border water infra-
23 structure program under section 301 and payments
24 received pursuant to paragraph (4)(A) to enter into

1 cooperative agreements and memoranda of under-
2 standing with, and 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 New River; and

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

1 (i) identify the parties responsible for
2 the projects; and

3 (ii) provide funds to those parties for
4 the operations and maintenance of the
5 projects.

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

10 (4) FINANCIAL ARRANGEMENTS.—

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

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

24 (5) PERSONNEL; SERVICES; TECHNICAL ASSIST-
25 ANCE.—The Administrator may provide or accept

1 personnel, services, and technical assistance pursu-
 2 ant to a cooperative agreement or memorandum of
 3 understanding described in paragraph (1), with or
 4 without reimbursement, for the purposes of carrying
 5 out the agreement or memorandum.

6 **SEC. 204. WATER QUALITY PLAN.**

7 (a) DEVELOPMENT.—

8 (1) IN GENERAL.—The Administrator, in con-
 9 sultation with the entities described in section
 10 203(c), shall develop a plan for the purpose of im-
 11 proving and protecting the water quality of the New
 12 River watershed.

13 (2) REQUIREMENTS.—The plan under para-
 14 graph (1) shall—

15 (A) build on and incorporate any existing
 16 efforts and plans to improve and protect the
 17 water quality of the New River, whether ongo-
 18 ing or completed; and

19 (B) include—

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

24 (ii) criteria for selecting—

1 (I) water quality restoration and
 2 protection projects; and

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

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

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

11 (3) OPERATIONS AND MAINTENANCE FUND-
 12 ING.—

13 (A) IN GENERAL.—The Administrator,
 14 working with the entities described in section
 15 203(c), shall assess and identify potential alter-
 16 native sources and approaches for financing in-
 17 frastructure projects, including financing the
 18 operations and maintenance of those infrastruc-
 19 ture projects.

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

1 Funding and Financing” and dated March
2 2020.

3 (b) ISSUANCE; UPDATES.—The Administrator
4 shall—

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

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

10 (c) PRIORITY LIST.—

11 (1) IN GENERAL.—The plan under subsection
12 (a)(1) shall include a priority list of potential or pro-
13 posed water quality restoration and protection
14 projects for the New River watershed that—

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

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

24 (C) is developed in coordination with the
25 entities described in section 203(c);

1 (D) assists agencies to coordinate funding;

2 and

3 (E) identifies projects—

4 (i) in the New River watershed; and

5 (ii) that address transboundary flows

6 that affect coastal communities in and

7 near the New 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, 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; and

17 (C) include, in order of priority, potential

18 or proposed water quality or stormwater

19 projects for the restoration and protection of

20 the New River that—

21 (i) would help—

22 (I) to achieve and maintain the

23 water quality standards for—

24 (aa) public health;

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

14 **SEC. 205. GRANTS, AGREEMENTS, AND ASSISTANCE.**

15 (a) IN GENERAL.—In order to carry out the purposes
16 of the program as described in section 201(b), the Admin-
17 istrator may—

- 18 (1) provide grants and technical assistance to
19 the Commissioner, State and local governments,
20 nonprofit organizations, and institutions of higher
21 education, in both the United States and Mexico;
22 and
23 (2) enter into interagency agreements with
24 other Federal agencies.

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

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

9 (2) advance the implementation of priority
 10 projects identified under section 204(c).

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

15 (d) ADMINISTRATION.—

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

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

24 (A) for each fiscal year, receive amounts to
 25 carry out this section in an advance payment of

1 the entire amount on the date of enactment of
2 an appropriations Act making appropriations to
3 the Administrator for a fiscal year, or as soon
4 as practicable thereafter; and

5 (B) otherwise administer the implementa-
6 tion of this section to support partnerships be-
7 tween the public and private sectors in accord-
8 ance with this title.

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

13 **SEC. 206. ANNUAL BUDGET PLAN.**

14 The President, as part of the annual budget submis-
15 sion of the President to Congress under section 1105(a)
16 of title 31, United States Code, shall submit estimated ex-
17 penditures and proposed appropriations for projects under
18 this title for the current year, budget year, and 5 outyears
19 (as those terms are defined in section 250(c) of the Bal-
20 anced Budget and Emergency Deficit Control Act of 1985
21 (2 U.S.C. 900(c)), including for projects included in the
22 priority list under section 204(c), for each Federal agency
23 described in section 203(c)(1).

1 **SEC. 207. REPORTS.**

2 Not later than 180 days after the date of enactment
3 of this Act, and every 2 years thereafter, the Adminis-
4 trator shall submit to Congress a report on the implemen-
5 tation of this title, including—

6 (1) a description of—

7 (A) each project that has received funding
8 pursuant to this title; and

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

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

16 **TITLE III—BORDER WATER IN-**
17 **FRASTRUCTURE IMPROVE-**
18 **MENT**

19 **SEC. 301. UNITED STATES-MEXICO BORDER WATER INFRA-**
20 **STRUCTURE PROGRAM.**

21 (a) DEFINITIONS.—In this section:

22 (1) ELIGIBLE ENTITY.—The term “eligible enti-
23 ty” means the United States Section of the Inter-
24 national Boundary and Water Commission, a State,
25 a local government, an Indian Tribe, or a water or
26 wastewater district with jurisdiction over any area in

1 the United States or Mexico that is located within
2 100 kilometers of the United States-Mexico border.

3 (2) ELIGIBLE PROJECT.—

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

11 (i) addresses an existing human
12 health or ecological issue;

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

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

1 (iv) is proposed by an eligible entity
2 with legal authority—

3 (I) to develop the project;

4 (II) to provide the proposed
5 drinking water or wastewater services;
6 and

7 (III) to obtain necessary financ-
8 ing, including operations and mainte-
9 nance funding;

10 (v) will comply with relevant State
11 and local environmental and other laws
12 (including regulations), including with re-
13 spect to—

14 (I) obtaining any necessary oper-
15 ating permits and licenses; and

16 (II) complying with any other
17 regulatory requirements related to
18 land acquisition and rights-of-way;
19 and

20 (vi) has the support of appropriate
21 Mexican Federal and State agencies, in-
22 cluding the Comision Nacional de Agua
23 (commonly known as “CONAGUA” or the
24 Mexican National Water Commission) and

1 any appropriate State or municipal water
2 utility, if the project is located in Mexico.

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

5 (i) for new water supply;

6 (ii) that threatens an ecosystem lo-
7 cated in the United States, or that is lo-
8 cated in both the United States and Mex-
9 ico, if the project causes a reduction in the
10 flow of water; or

11 (iii) to provide drinking water, waste-
12 water, or stormwater services to enable
13 new development.

14 (3) PROGRAM.—The term “program” means
15 the program established under subsection (b).

16 (b) ESTABLISHMENT.—The Administrator shall
17 carry out a program to provide assistance to eligible enti-
18 ties for activities related to eligible projects, including fea-
19 sibility studies, planning studies, environmental assess-
20 ments, financial analyses, community participation efforts,
21 and architectural, engineering, planning, design, construc-
22 tion, and operations and maintenance activities.

23 (c) CONSULTATION.—In carrying out the program,
24 the Administrator shall consult with the North American
25 Development Bank.

1 (d) COORDINATION.—In carrying out the program,
2 the Administrator shall coordinate with Federal, State,
3 local, and Tribal entities in the border region, including
4 the Department of Homeland Security, the International
5 Boundary and Water Commission, and relevant State
6 agencies.

7 (e) PROJECT SELECTION.—

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

12 (A) paragraph (2); and

13 (B) any other criteria determined appro-
14 priate by the Administrator.

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

18 (A) are identified in a plan developed pur-
19 suant to section 104 or 204; or

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

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

1 (iii) address the most urgent public health
 2 and environmental needs, as determined by the
 3 heads of the Regional offices for Regions 6 and
 4 9 of the Environmental Protection Agency; and
 5 (iv) maximize sustainable practices, such
 6 as water reuse and water recycling, natural and
 7 green infrastructure, water efficiency, and con-
 8 servation.

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

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

17 (h) REGIONAL ALLOCATIONS.—The amounts made
 18 available to carry out this section shall be made available
 19 in equal amounts for use by the Regional offices for Re-
 20 gions 6 and 9 of the Environmental Protection Agency.

21 **TITLE IV—MISCELLANEOUS**

22 **SEC. 401. ROLE OF THE COMMISSIONER AND INTER-** 23 **NATIONAL AGREEMENTS.**

24 (a) WASTEWATER AND STORMWATER AUTHORITY.—
 25 The Commissioner may study, design, construct, operate,

1 and maintain projects to manage, improve, and protect the
2 quality of wastewater, stormwater runoff, and other un-
3 treated flows in the Tijuana River watershed and the New
4 River watershed.

5 (b) TIJUANA AND NEW RIVER PROJECTS WITHIN
6 THE UNITED STATES.—The Secretary, acting through the
7 Commissioner, shall—

8 (1) construct, operate, and maintain projects
9 that—

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

12 (B) are within the United States; and

13 (C) improve the water quality of the Ti-
14 juana River watershed or the New River water-
15 shed, as applicable; and

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

19 (c) AGREEMENTS WITH MEXICO.—The Secretary,
20 acting through the Commissioner, may execute an agree-
21 ment with the appropriate official or officials of the Gov-
22 ernment of Mexico for—

23 (1) the joint study and design of stormwater
24 control and water quality projects; and

1 (2) on approval of the necessary plans and
2 specifications of the projects described in paragraph
3 (1), the construction, operation, and maintenance of
4 those projects by the United States and Mexico, in
5 accordance with the treaty relating to the utilization
6 of the waters of the Colorado and Tijuana Rivers,
7 and of the Rio Grande (Rio Bravo) from Fort
8 Quitman, Texas, to the Gulf of Mexico, and supple-
9 mentary protocol, signed at Washington February 3,
10 1944 (59 Stat. 1219), between the United States
11 and Mexico.

12 (d) FUNDING.—A project located wholly or partially
13 within Mexico shall be eligible for funding under the pro-
14 gram established under section 301(b) if the project is—

15 (1) identified under and consistent with the re-
16 sults of the study under subsection (c)(1); and

17 (2) approved pursuant to subsection (c)(2).

18 (e) SAVINGS PROVISION.—Nothing in this section
19 limits the authority of the International Boundary and
20 Water Commission under this Act or any other provision
21 of law.

○