

116TH CONGRESS
1ST SESSION

H. R. 4039

To require the Administrator of the Environmental Protection Agency to carry out a program to fund water infrastructure projects near the United States-Mexico border, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2019

Mr. LEVIN of California (for himself, Mr. VARGAS, Mrs. DAVIS of California, and Mr. PETERS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and 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

A BILL

To require the Administrator of the Environmental Protection Agency to carry out a program to fund water infrastructure projects near the United States-Mexico border, 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 “Border Water Infra-
5 structure Improvement Act”.

1 **SEC. 2. U.S.-MEXICO BORDER WATER INFRASTRUCTURE**
2 **PROGRAM.**

3 (a) DEFINITIONS.—In this section:

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

7 (2) ELIGIBLE ENTITY.—The term “eligible enti-
8 ty” means a State, local government, Indian Tribe,
9 or water or wastewater district, with jurisdiction
10 over any area in the United States or Mexico that
11 is located within 100 kilometers of the United
12 States-Mexico border.

13 (3) ELIGIBLE PROJECT.—

14 (A) IN GENERAL.—The term “eligible
15 project” means a project for the construction of
16 a drinking water treatment or distribution facil-
17 ity, or a wastewater management facility,
18 that—

19 (i) addresses an existing human
20 health or ecological issue;

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

22 (iii) with respect to a wastewater
23 management facility the water discharged
24 from which will flow, directly or indirectly,
25 into the United States, is designed to meet
26 relevant water quality standards in the

1 United States, including any such stand-
2 ards established under the Federal Water
3 Pollution Control Act;

4 (iv) is proposed by an eligible entity
5 with legal authority to develop the project,
6 provide the proposed drinking water or
7 wastewater services, and obtain necessary
8 financing;

9 (v) will comply with relevant State
10 and local environmental and other laws
11 and regulations, including with respect to
12 obtaining any necessary operating permits
13 and licenses and complying with any other
14 regulatory requirements related to land ac-
15 quisition and rights-of-way; and

16 (vi) has the support of appropriate
17 Federal and State agencies, including the
18 Comision Nacional de Agua (also known as
19 CONAGUA or the Mexican National
20 Water Commission) and any appropriate
21 State water utility, if located in Mexico.

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

24 (i) for water supply;

1 (ii) that threatens ecosystems located
2 in the United States, or that are located in
3 both the United States and Mexico, if the
4 project causes reductions in the flow of
5 water; or

6 (iii) to provide drinking water or
7 wastewater services to new development.

8 (b) IN GENERAL.—The Administrator shall carry out
9 a program to provide assistance to eligible entities for ac-
10 tivities related to eligible projects, including feasibility
11 studies, planning studies, environmental assessments, fi-
12 nancial analyses, community participation efforts, and ar-
13 chitectural, engineering, planning, design, and construc-
14 tion activities.

15 (c) CONSULTATION.—In carrying out subsection (b),
16 the Administrator shall consult with the North American
17 Development Bank.

18 (d) PROJECT SELECTION.—

19 (1) IN GENERAL.—In carrying out subsection
20 (b), the Administrator shall select projects to receive
21 assistance under the program in accordance with
22 paragraph (2) and any other criteria determined ap-
23 propriate by the Administrator.

1 (2) PRIORITIZATION.—In carrying out sub-
2 section (b), the Administrator shall prioritize
3 projects that—

4 (A) are likely to have the greatest positive
5 effects relating to the environment, public
6 health, or responding to unmet water supply
7 needs;

8 (B) will result in benefits on both sides of
9 the United States-Mexico border; and

10 (C) address the most urgent public health
11 and environmental needs, as determined by the
12 heads of the Regional offices for Regions 6 and
13 9 of the Environmental Protection Agency.

14 (e) TERMS AND CONDITIONS.—The Administrator
15 may set such terms and conditions on assistance provided
16 under this section as the Administrator determines appro-
17 priate.

18 (f) COST SHARE.—

19 (1) REQUIREMENT FOR CERTAIN PROJECTS.—
20 The Federal share of the cost of an eligible project
21 located in Mexico shall be 50 percent.

22 (2) EXEMPTION.—During the 5-year period be-
23 ginning on the date of enactment of this section, the
24 Administrator may waive the requirement of para-
25 graph (1) if the Administrator, in consultation with

1 the Secretary of Defense and the Secretary of
2 Homeland Security, finds that the project will re-
3 duce negative health effects on Federal law enforce-
4 ment or Department of Defense personnel.

5 (g) FUNDING.—

6 (1) AUTHORIZATION OF APPROPRIATIONS.—

7 There are authorized to be appropriated to the Ad-
8 ministrator to carry out this section \$150,000,000
9 for each of fiscal years 2020 through 2024.

10 (2) REGIONAL ALLOCATIONS.—The amounts
11 made available to carry out this section shall be
12 made available in equal amounts for use by the Re-
13 gional offices for Regions 6 and 9 of the Environ-
14 mental Protection Agency.

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