

103^D CONGRESS
1ST SESSION

S. 1363

To authorize the Administrator of the Environmental Protection Agency to transfer funds to the Secretary of State and award grants, to provide assistance to promote public health, the environment, and water quality in the United States-Mexico border area, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 5 (legislative day, JUNE 30), 1993

Mr. DECONCINI introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To authorize the Administrator of the Environmental Protection Agency to transfer funds to the Secretary of State and award grants, to provide assistance to promote public health, the environment, and water quality in the United States-Mexico border area, 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 “Good Neighbor Envi-
5 ronmental Assistance Act of 1993”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to protect the economy,
3 public health, environment, and water quality of the Unit-
4 ed States-Mexico border area that is endangered and is
5 being polluted by raw or partially treated sewage, effluent,
6 and other pollutants.

7 **SEC. 3. DEFINITIONS.**

8 As used in this Act:

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

12 (2) BORDER STATE.—The term “border State”
13 means each of the following States:

14 (A) Arizona.

15 (B) California.

16 (C) New Mexico.

17 (D) Texas.

18 (3) COMMISSION.—The term “United States
19 Commissioner” means the United States Commis-
20 sioner of the International Boundary and Water
21 Commission.

22 (4) CONSTRUCTION.—The term “construction”
23 has the meaning provided the term under section
24 212(1) of the Federal Water Pollution Control Act
25 (33 U.S.C. 1292(1)).

1 (5) TREATMENT WORKS.—The term “treatment
2 works” has the meaning provided the term under
3 section 212(2) of the Federal Water Pollution Con-
4 trol Act (33 U.S.C. 1292(2)).

5 **SEC. 4. CONSTRUCTION ASSISTANCE.**

6 (a) IN GENERAL.—On the approval by the Adminis-
7 trator of the necessary plans and specifications, the Ad-
8 ministrators is authorized—

9 (1) to transfer funds to—

10 (A) the Secretary of State, who shall
11 transfer the funds to the United States Com-
12 missioner for use by the head of the American
13 Section of the Commission; or

14 (B) the head of any other Federal agency;
15 and

16 (2) to make a grant to—

17 (A) an appropriate entity designated by
18 the President; or

19 (B) a border State designated by the
20 President,

21 to carry out the construction of an eligible project de-
22 scribed in subsection (b).

23 (b) ELIGIBLE PROJECT.—An eligible project de-
24 scribed in this subsection is a project for the construction
25 of—

1 (1) a wastewater treatment works to protect
2 public health, the environment, and water quality
3 from pollution resulting from inadequacies or break-
4 downs in wastewater treatment works and water sys-
5 tem from Mexican wastewater affecting United
6 States waters or water/sewage systems; or

7 (2) a treatment works to provide treatment of
8 municipal sewage and industrial waste.

9 (c) REQUIREMENT FOR A GRANT FOR A CONSTRUC-
10 TION PROJECT IN MEXICO.—The Administrator may
11 make a grant for an eligible project described in sub-
12 section (b) in Mexico only if, after providing public notice
13 and opportunity for comment, the Administrator deter-
14 mines that the then existing treatment works located in
15 Mexico, in conjunction with any other then existing treat-
16 ment works or treatment works scheduled to be con-
17 structed, are not sufficient (or will not be sufficient) to
18 protect residents of border States from water pollution
19 originating in Mexico.

20 (d) OPERATION AND MAINTENANCE.—To carry out
21 the purpose referred to in section 2, the United States
22 Commissioner, the head of a Federal agency that receives
23 a transfer of funds pursuant to subsection (a), or the re-
24 cipient of a grant referred to in subsection (a) is author-

1 ized to maintain an eligible project constructed pursuant
2 to this section.

3 (e) APPROVAL OF PLANS.—

4 (1) PLANS AND SPECIFICATIONS.—Each eligible
5 project that is funded by a transfer or a grant made
6 pursuant to subsection (a)(1) shall be constructed in
7 accordance with plans and specifications developed
8 by the head of the American Section of the Commis-
9 sion in consultation with the head of another Fed-
10 eral agency of the appropriate official of an entity or
11 border State designated by the President under sub-
12 section (a), in consultation with the appropriate offi-
13 cial of the affected border State. Such plans shall in-
14 clude construction cost estimates.

15 (2) APPROVAL BY THE ADMINISTRATOR.—As a
16 condition of carrying out the construction of an eli-
17 gible project referred in paragraph (1), the head of
18 the Federal agency or appropriate official of an en-
19 tity or border State shall submit the plans and speci-
20 fications referred to in paragraph (1) to the Admin-
21 istrator for approval.

22 (3) STANDARDS FOR CONSTRUCTION.—The Ad-
23 ministrator may approve a plan referred to in para-
24 graph (2) if the Administrator determines that the
25 eligible project that is the subject of the plan meets

1 the standards that would apply to the treatment
2 works or other project if the treatment works or
3 other project were constructed under appropriate
4 standards under the law of the United States and
5 Mexico and under applicable treaties and inter-
6 national agreements.

7 (f) FEDERAL SHARE.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), the Federal share of construction of an
10 eligible project that is the subject of a transfer or
11 grant under subsection (a) shall be 100 percent of
12 the cost of the eligible project.

13 (2) COSTS PAID BY THE GOVERNMENT OF MEX-
14 ICO.—If the Secretary of State or another appro-
15 priate official of the Federal Government enters into
16 an agreement with the Government of Mexico that
17 provides for cost-sharing for an eligible project that
18 is the subject of assistance provided pursuant to this
19 section, the Federal share of the cost of the project
20 shall be the amount specified in the agreement.

21 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated to the Envi-
23 ronmental Protection Agency to carry out this Act such
24 sums as may be necessary for fiscal year 1994, and for
25 each fiscal year thereafter.

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