

118TH CONGRESS  
1ST SESSION

# H. R. 4643

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 HOUSE OF REPRESENTATIVES

JULY 14, 2023

Mr. GRIJALVA introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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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 2023”.

6 **SEC. 2. NOGALES WASTEWATER IMPROVEMENT.**

7 (a) AMENDMENT TO THE ACT OF JULY 27, 1953.—

8 The first section of the Act of July 27, 1953 (67 Stat.

1 195, chapter 242; 22 U.S.C. 277d–10), is amended by  
2 striking the period at the end and inserting “: *Provided*  
3 *further*, That the equitable portion of the Nogales sanita-  
4 tion project for the city of Nogales, Arizona, shall be lim-  
5 ited to the costs directly associated with the treatment and  
6 conveyance of the wastewater of the city and, to the extent  
7 practicable, shall not include any costs directly associated  
8 with the quality or quantity of wastewater originating in  
9 Mexico.”.

10 (b) NOGALES SANITATION PROJECT.—

11 (1) DEFINITIONS.—In this subsection:

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

14 (B) COMMISSION.—The term “Commis-  
15 sion” means the United States Section of the  
16 International Boundary and Water Commission.

17 (C) INTERNATIONAL OUTFALL INTER-  
18 CEPTOR.—The term “International Outfall In-  
19 terceptor” means the pipeline that conveys  
20 wastewater from the United States-Mexico bor-  
21 der to the Nogales International Wastewater  
22 Treatment Plant.

23 (D) NOGALES INTERNATIONAL WASTE-  
24 WATER TREATMENT PLANT.—The term  
25 “Nogales International Wastewater Treatment

1 Plant” means the wastewater treatment plant  
2 that—

3 (i) is operated by the Commission;

4 (ii) is located in Rio Rico, Santa Cruz  
5 County, Arizona, after manhole 99; and

6 (iii) treats sewage and wastewater  
7 originating from—

8 (I) Nogales, Sonora, Mexico; and

9 (II) Nogales, Arizona.

10 (2) OWNERSHIP AND CONTROL.—

11 (A) IN GENERAL.—Subject to subpara-  
12 graph (B) and in accordance with authority  
13 under the Act of July 27, 1953 (67 Stat. 195,  
14 chapter 242; 22 U.S.C. 277d–10 et seq.), on  
15 transfer by donation from the City of the cur-  
16 rent stake of the City in the International Out-  
17 fall Interceptor to the Commission, the Com-  
18 mission shall enter into such agreements as are  
19 necessary to assume full ownership and control  
20 over the International Outfall Interceptor.

21 (B) AGREEMENTS REQUIRED.—The Com-  
22 mission shall assume full ownership and control  
23 over the International Outfall Interceptor under  
24 subparagraph (A) after all applicable governing

1           bodies in the State of Arizona, including the  
2           City, have—

3                   (i) signed memoranda of under-  
4                   standing granting to the Commission ac-  
5                   cess to existing easements for a right of  
6                   entry to the International Outfall Inter-  
7                   ceptor for the life of the International Out-  
8                   fall Interceptor;

9                   (ii) entered into an agreement with re-  
10                  spect to the flows entering the Inter-  
11                  national Outfall Interceptor that are con-  
12                  trolled by the City; and

13                  (iii) agreed to work in good faith to  
14                  expeditiously enter into such other agree-  
15                  ments as are necessary for the Commission  
16                  to operate and maintain the International  
17                  Outfall Interceptor.

18           (3) OPERATIONS AND MAINTENANCE.—

19                   (A) IN GENERAL.—Beginning on the date  
20                   on which the Commission assumes full owner-  
21                   ship and control of the International Outfall In-  
22                   terceptor under paragraph (2)(A), but subject  
23                   to paragraph (5), the Commission shall be re-  
24                   sponsible for the operations and maintenance of  
25                   the International Outfall Interceptor.

1 (B) AUTHORIZATION OF APPROPRIA-  
2 TIONS.—There are authorized to be appro-  
3 priated to the Commission to carry out this  
4 paragraph, to remain available until ex-  
5 pended—

6 (i) \$6,500,000 for fiscal year 2025;

7 and

8 (ii) not less than \$2,500,000 for fiscal  
9 year 2026 and each fiscal year thereafter.

10 (4) DEBRIS SCREEN.—

11 (A) DEBRIS SCREEN REQUIRED.—

12 (i) IN GENERAL.—The Commission  
13 shall construct, operate, and maintain a  
14 debris screen at Manhole One of the Inter-  
15 national Outfall Interceptor for inter-  
16 cepting debris and drug bundles coming to  
17 the United States from Nogales, Sonora,  
18 Mexico.

19 (ii) REQUIREMENT.—In constructing  
20 and operating the debris screen under  
21 clause (i), the Commission and the Com-  
22 missioner of U.S. Customs and Border  
23 Protection shall coordinate—

1 (I) the removal of drug bundles  
2 and other illicit goods caught in the  
3 debris screen; and

4 (II) other operations at the Inter-  
5 national Outfall Interceptor that re-  
6 quire coordination.

7 (B) AUTHORIZATION OF APPROPRIA-  
8 TIONS.—There are authorized to be appro-  
9 priated to the Commission, to remain available  
10 until expended—

11 (i) for fiscal year 2025—

12 (I) \$8,000,000 for construction  
13 of the debris screen described in sub-  
14 paragraph (A)(i); and

15 (II) not less than \$1,000,000 for  
16 the operations and maintenance of the  
17 debris screen described in subpara-  
18 graph (A)(i); and

19 (ii) not less than \$1,000,000 for fiscal  
20 year 2026 and each fiscal year thereafter  
21 for the operations and maintenance of the  
22 debris screen described in subparagraph  
23 (A)(i).

24 (5) LIMITATION OF CLAIMS.—Chapter 171 and  
25 section 1346(b) of title 28, United States Code

1 (commonly known as the “Federal Tort Claims  
2 Act”), shall not apply to any claim arising from the  
3 activities of the Commission in carrying out this  
4 subsection, including any claim arising from dam-  
5 ages that result from overflow of the International  
6 Outfall Interceptor due to excess inflow to the Inter-  
7 national Outfall Interceptor originating from  
8 Nogales, Sonora, Mexico.

9 (c) EFFECTIVE DATE.—This section (including the  
10 amendments made by this section) takes effect on October  
11 1, 2024.

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