

116TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To establish responsibility for the International Outfall Interceptor.

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IN THE SENATE OF THE UNITED STATES

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

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## **A BILL**

To establish responsibility for the International Outfall  
Interceptor.

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 Fairness Act”.

6 **SEC. 2. INTERNATIONAL OUTFALL INTERCEPTOR REPAIR,**  
7 **OPERATIONS, AND MAINTENANCE.**

8       (a) DEFINITIONS.—In this section:

9           (1) AGREEMENT.—The term “Agreement”  
10 means the memorandum of agreement between the

1 United States Section of the International Boundary  
2 and Water Commission and the City of Nogales, Ar-  
3 izona, dated January 20, 2006.

4 (2) CITY.—The term “City” means the City of  
5 Nogales, Arizona.

6 (3) NOGALES SANITATION PROJECT.—The term  
7 “Nogales sanitation project” means the project  
8 owned by the City and the United States Section of  
9 the International Boundary and Water Commission  
10 and includes—

11 (A) the International Outfall Interceptor  
12 (IOI) and the trunkline; and

13 (B) the Nogales International Wastewater  
14 Treatment Plant (NIWTP).

15 (b) SENSE OF CONGRESS.—It is the sense of Con-  
16 gress that, pursuant to the Act of July 27, 1953 (22  
17 U.S.C. 277d–10 et seq.), and notwithstanding the Agree-  
18 ment, an equitable proportion of the costs of operation and  
19 maintenance of the Nogales sanitation project to be con-  
20 tributed by the City should be based on the average daily  
21 volume of wastewater originating from the City.

22 (c) CAPITAL COSTS EXCLUDED.—Pursuant to the  
23 Agreement and the Act of July 27, 1953 (22 U.S.C.  
24 277d–10 et seq.), the City shall have no obligation to con-

1 tribute to any capital costs of repairing or upgrading the  
2 Nogales sanitation project.

3 (d) OVERCHARGES.—Notwithstanding the Agree-  
4 ment, the United States Section of the International  
5 Boundary and Water Commission shall not charge the  
6 City after the date of enactment of this Act for operations  
7 and maintenance costs in excess of an equitable proportion  
8 of the costs, as described in subsection (b).