

109TH CONGRESS
1ST SESSION

S. 214

To authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2005

Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. KYL) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, 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 “United States-Mexico
5 Transboundary Aquifer Assessment Act”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to direct the Secretary of
3 the Interior to establish a United States-Mexico
4 transboundary aquifer assessment program to—

5 (1) systematically assess priority transboundary
6 aquifers; and

7 (2) provide the scientific foundation necessary
8 for State and local officials to address pressing
9 water resource challenges in the United States-Mex-
10 ico border region.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) **AQUIFER.**—The term “aquifer” means a
14 subsurface water-bearing geologic formation from
15 which significant quantities of water may be ex-
16 tracted.

17 (2) **BORDER STATE.**—The term “Border State”
18 means each of the States of Arizona, California,
19 New Mexico, and Texas.

20 (3) **INDIAN TRIBE.**—The term “Indian tribe”
21 means an Indian tribe, band, nation, or other orga-
22 nized group or community—

23 (A) that is recognized as eligible for the
24 special programs and services provided by the
25 United States to Indians because of their status
26 as Indians; and

1 (B) the reservation of which includes a
2 transboundary aquifer within the exterior
3 boundaries of the reservation.

4 (4) PRIORITY TRANSBOUNDARY AQUIFER.—The
5 term “priority transboundary aquifer” means a
6 transboundary aquifer that has been designated for
7 study and analysis under the program.

8 (5) PROGRAM.—The term “program” means
9 the United States-Mexico transboundary aquifer as-
10 sessment program established under section 4(a).

11 (6) RESERVATION.—The term “reservation”
12 means land that has been set aside or that has been
13 acknowledged as having been set aside by the United
14 States for the use of an Indian tribe, the exterior
15 boundaries of which are more particularly defined in
16 a final tribal treaty, agreement, executive order,
17 Federal statute, secretarial order, or judicial deter-
18 mination.

19 (7) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior, acting through the Di-
21 rector of the United States Geological Survey.

22 (8) TRANSBOUNDARY AQUIFER.—The term
23 “transboundary aquifer” means an aquifer that
24 underlies the boundary between the United States
25 and Mexico.

1 (9) TRI-REGIONAL PLANNING GROUP.—The
 2 term “Tri-Regional Planning Group” means the bi-
 3 national planning group comprised of—

4 (A) the Junta Municipal de Agua y
 5 Saneamiento de Ciudad Juarez;

6 (B) the El Paso Water Utilities Public
 7 Service Board; and

8 (C) the Lower Rio Grande Water Users
 9 Organization.

10 (10) WATER RESOURCES RESEARCH INSTI-
 11 TUTES.—The term “water resources research insti-
 12 tutes” means the institutes within the Border States
 13 established under section 104 of the Water Re-
 14 sources Research Act of 1984 (42 U.S.C. 10303).

15 **SEC. 4. ESTABLISHMENT OF PROGRAM.**

16 (a) IN GENERAL.—The Secretary, in consultation
 17 and cooperation with the Border States, the water re-
 18 sources research institutes, Sandia National Laboratories,
 19 and other appropriate entities in the United States and
 20 Mexico, shall carry out the United States-Mexico
 21 transboundary aquifer assessment program to charac-
 22 terize, map, and model transboundary groundwater re-
 23 sources along the United States-Mexico border at a level
 24 of detail determined to be appropriate for the particular
 25 aquifer.

1 (b) OBJECTIVES.—The objectives of the program are
2 to—

3 (1) develop and implement an integrated sci-
4 entific approach to assess transboundary ground-
5 water resources, including—

6 (A)(i) identifying fresh and saline
7 transboundary aquifers; and

8 (ii) prioritizing the transboundary aquifers
9 for further analysis by assessing—

10 (I) the proximity of the transboundary
11 aquifer to areas of high population density;

12 (II) the extent to which the
13 transboundary aquifer is used;

14 (III) the susceptibility of the
15 transboundary aquifer to contamination;
16 and

17 (IV) any other relevant criteria;

18 (B) evaluating all available data and publi-
19 cations as part of the development of study
20 plans for each priority transboundary aquifer;

21 (C) creating a new, or enhancing an exist-
22 ing, geographic information system database to
23 characterize the spatial and temporal aspects of
24 each priority transboundary aquifer; and

1 (D) using field studies, including support
 2 for and expansion of ongoing monitoring and
 3 metering efforts, to develop—

4 (i) the additional data necessary to
 5 adequately define aquifer characteristics;
 6 and

7 (ii) scientifically sound groundwater
 8 flow models to assist with State and local
 9 water management and administration, in-
 10 cluding modeling of relevant groundwater
 11 and surface water interactions;

12 (2) expand existing agreements, as appropriate,
 13 between the United States Geological Survey, the
 14 Border States, the water resources research insti-
 15 tutes, and appropriate authorities in the United
 16 States and Mexico, to—

17 (A) conduct joint scientific investigations;

18 (B) archive and share relevant data; and

19 (C) carry out any other activities con-
 20 sistent with the program; and

21 (3) produce scientific products for each priority
 22 transboundary aquifer that—

23 (A) are capable of being broadly distrib-
 24 uted; and

1 (B) provide the scientific information need-
 2 ed by water managers and natural resource
 3 agencies on both sides of the United States-
 4 Mexico border to effectively accomplish the mis-
 5 sions of the managers and agencies.

6 (c) DESIGNATION OF PRIORITY TRANSBOUNDARY
 7 AQUIFERS.—

8 (1) IN GENERAL.—For purposes of the pro-
 9 gram, the Secretary shall designate as priority
 10 transboundary aquifers—

11 (A) the Hueco Bolson and Mesilla aquifers
 12 underlying parts of Texas, New Mexico, and
 13 Mexico; and

14 (B) the Santa Cruz River Valley aquifers
 15 underlying Arizona and Sonora, Mexico.

16 (2) ADDITIONAL AQUIFERS.—The Secretary
 17 shall, using the criteria under subsection
 18 (b)(1)(A)(ii), evaluate and designate additional pri-
 19 ority transboundary aquifers.

20 (d) COOPERATION WITH MEXICO.—To ensure a com-
 21 prehensive assessment of transboundary aquifers, the Sec-
 22 retary shall, to the maximum extent practicable, work with
 23 appropriate Federal agencies and other organizations to
 24 develop partnerships with, and receive input from, relevant
 25 organizations in Mexico to carry out the program.

1 (e) GRANTS AND COOPERATIVE AGREEMENTS.—The
2 Secretary may provide grants or enter into cooperative
3 agreements and other agreements with the water re-
4 sources research institutes and other Border State entities
5 to carry out the program.

6 **SEC. 5. IMPLEMENTATION OF PROGRAM.**

7 (a) COORDINATION WITH STATES, TRIBES, AND
8 OTHER ENTITIES.—The Secretary shall coordinate the ac-
9 tivities carried out under the program with—

10 (1) the appropriate water resource agencies in
11 the Border States;

12 (2) any affected Indian tribes; and

13 (3) any other appropriate entities that are con-
14 ducting monitoring and metering activity with re-
15 spect to a priority transboundary aquifer.

16 (b) NEW ACTIVITY.—After the date of enactment of
17 this Act, the Secretary shall not initiate any new field
18 studies or analyses under the program before consulting
19 with, and coordinating the activity with, any Border State
20 water resource agencies that have jurisdiction over the aq-
21 uifer.

22 (c) STUDY PLANS; COST ESTIMATES.—

23 (1) IN GENERAL.—The Secretary shall work
24 closely with appropriate Border State water resource
25 agencies, water resources research institutes, and

1 other relevant entities to develop a study plan,
2 timeline, and cost estimate for each priority
3 transboundary aquifer to be studied under the pro-
4 gram.

5 (2) REQUIREMENTS.—A study plan developed
6 under paragraph (1) shall, to the maximum extent
7 practicable—

8 (A) integrate existing data collection and
9 analyses conducted with respect to the priority
10 transboundary aquifer;

11 (B) if applicable, improve and strengthen
12 existing groundwater flow models developed for
13 the priority transboundary aquifer; and

14 (C) be consistent with appropriate State
15 guidelines and goals.

16 **SEC. 6. EFFECT.**

17 Nothing in this Act affects—

18 (1) the jurisdiction or responsibility of a Border
19 State with respect to managing surface or ground-
20 water resources in the Border State; or

21 (2) the water rights of any person or entity
22 using water from a transboundary aquifer.

23 **SEC. 7. REPORTS.**

24 Not later than 5 years after the date of enactment
25 of this Act, and on completion of the program in fiscal

1 year 2014, the Secretary shall submit to the appropriate
2 water resource agency in the Border States, an interim
3 and final report, respectively, that describes—

4 (1) any activities carried out under the pro-
5 gram;

6 (2) any conclusions of the Secretary relating to
7 the status of transboundary aquifers; and

8 (3) the level of participation in the program of
9 entities in Mexico.

10 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—There are authorized to be appro-
12 priated to carry out this Act \$50,000,000 for the period
13 of fiscal years 2006 through 2015.

14 (b) DISTRIBUTION OF FUNDS.—Of the amounts
15 made available under subsection (a), 50 percent shall be
16 made available to the water resources research institutes
17 to provide funding to appropriate entities in the Border
18 States (including Sandia National Laboratories, State
19 agencies, universities, the Tri-Regional Planning Group,
20 and other relevant organizations) and Mexico to conduct
21 activities under the program, including the binational col-
22 lection and exchange of scientific data.

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