

108TH CONGRESS
1ST SESSION

S. 1163

To condition of receipt of certain State revolving funds on the restriction of development or construction of new colonias and colonia structures along the border between the United States and Mexico.

IN THE SENATE OF THE UNITED STATES

JUNE 2, 2003

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

A BILL

To condition of receipt of certain State revolving funds on the restriction of development or construction of new colonias and colonia structures along the border between the United States and Mexico.

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. RESTRICTION ON DEVELOPMENT AND CON-**
4 **STRUCTION OF NEW COLONIAS AREAS.**

5 (a) DEFINITIONS.—In this section:

6 (1) COLONIA.—The term “colonia” means any
7 identifiable community that—

1 (A) is located in the State of Arizona, Cali-
2 fornia, New Mexico, or Texas;

3 (B) is located in the United States-Mexico
4 border region;

5 (C) is determined by a State referred to in
6 subparagraph (A) to be a colonia on the basis
7 of objective criteria, including a lack of—

8 (i) a potable water supply;

9 (ii) adequate sewage systems; and

10 (iii) decent, safe, and sanitary hous-
11 ing; and

12 (D) before the date of enactment of this
13 Act, was in existence and generally recognized
14 as a colonia by the State.

15 (2) SECRETARY.—The term “Secretary” means
16 the Secretary of Housing and Urban Development.

17 (3) UNITED STATES-MEXICO BORDER RE-
18 GION.—

19 (A) IN GENERAL.—The term “United
20 States-Mexico border region” means the area of
21 the United States located within 150 miles of
22 the border between the United States and Mex-
23 ico.

24 (B) EXCLUSION.—The term “United
25 States-Mexico border region” does not include

1 any standard metropolitan statistical area with
 2 a population that is greater than 1,000,000, as
 3 determined by the Secretary.

4 (b) RESTRICTION ON DEVELOPMENT AND CON-
 5 STRUCTION.—

6 (1) IN GENERAL.—Notwithstanding any other
 7 provision of law, beginning for the fiscal year in
 8 which this Act is enacted, and for each fiscal year
 9 thereafter, no State referred to in subsection
 10 (a)(1)(A) shall receive a capitalization grant for the
 11 fiscal year under title VI of the Federal Water Pol-
 12 lution Control Act (33 U.S.C. 1381 et seq.) or sec-
 13 tion 1452 of the Safe Drinking Water Act (42
 14 U.S.C. 300j–12) unless the State, to the satisfaction
 15 of the Secretary, requires each county and municipal
 16 government in the United States-Mexico border re-
 17 gion in the State to establish and enforce an ordi-
 18 nance or rule described in paragraph (2).

19 (2) ORDINANCE OR RULE.—An ordinance or
 20 rule referred to in paragraph (1) is an ordinance or
 21 rule that prohibits the development or construction
 22 of any new colonia, or the construction of any new
 23 structure in a colonia, that lacks water, wastewater,
 24 or other necessary infrastructure required—

25 (A) to comply with—

- 1 (i) the Federal Water Pollution Con-
2 trol Act (33 U.S.C. 1251 et seq.); and
3 (ii) the Safe Drinking Water Act (42
4 U.S.C. 300f et seq.); and
5 (B) to address the water infrastructure
6 needs of the colonia or structure.

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