

115TH CONGRESS
1ST SESSION

S. 551

To establish responsibility for the International Outfall Interceptor.

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2017

Mr. MCCAIN (for himself and Mr. FLAKE) introduced the following bill; which
was read twice and referred to the Committee on Foreign Relations

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
11 United States Section of the International Boundary

1 and Water Commission and the City of Nogales, Ar-
2 izona, dated January 20, 2006.

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

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

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

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

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

21 (c) CAPITAL COSTS EXCLUDED.—Pursuant to the
22 Agreement and the Act of July 27, 1953 (22 U.S.C.
23 277d–10 et seq.), the City shall have no obligation to con-
24 tribute to any capital costs of repairing or upgrading the
25 Nogales sanitation project.

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

