the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects and to reauthorize the inexpensive book distribution program.''

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GRAHAM. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I announce my intention to offer a motion to instruct conferees on H.R. 4205.

The motion is as follows: I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4205 be instructed to agree to the provisions contained in section 1068 of the Senate amendment.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GRAHAM. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I announce my intention to offer a motion to instruct conferees on H.R. 4205.

The form of the motion is as follows: Mr. GRAHAM moves to instruct conferees on the part of the House that the conferees on the part of the House on the disagreeing votes of the two Houses on the bill H.R. 4205 be instructed not to agree to revisions which, (1) fail to recognize that the 14th Amendment to the Constitution guarantees all persons equal protection under the law; and, (2) deny equal protection under the law by conditioning prosecution of certain offenses on the basis of race, color, religion, national origin, gender, sexual orientation, or disability of the victim; and (3) preclude a person convicted of murder from being sentenced to death.

TIJUANA RIVER VALLEY ESTUARY AND BEACH SEWAGE CLEANUP ACT OF 2000

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3378) to authorize certain actions to address the comprehensive treatment of sewage emanating from the Tijuana River in order to substantially reduce river and ocean pollution in the San Diego border region, as amended.

The Clerk read as follows:

H.R. 3378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000''.

SEC. 2. PURPOSE.

The purpose of this Act is to authorize the United States to take actions to address comprehensively the treatment of sewage emanating from the Tijuana River area, Mexico, that flows untreated or partially treated into the United States causing significant adverse public health and environmental impacts.

SEC. 3. DEFINITIONS.

In this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COMMISSION.—The term ''Commission'' means the United States section of the International Boundary and Water Commission, United States and Mexico.

(3) IWTP.—The term ''IWTP'' means the South Bay International Wastewater Treatment Plant constructed under the provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), section 510 of the Water Quality Act of 1987 (101 Stat. 80–82), and Treaty Minutes to the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944.

(4) SECONDARY TREATMENT.—The term ''secondary treatment'' has the meaning such term has under the Federal Water Pollution Control Act and its implementing regulations.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of State.

(6) MEXICAN FACILITY.—The term ''Mexican facility'' means a proposed public-private wastewater treatment facility to be constructed and operated under this Act within Mexico for the purpose of treating sewage flows generated within Mexico, which flows impact the surface waters, health, and safety of the United States and Mexico.

(7) MGD.—The term ''mgd'' means million gallons per day.

SEC. 4. ACTIONS TO BE TAKEN BY THE COMMISSION AND THE ADMINISTRATOR.

(a) SECONDARY TREATMENT.—

(1) IN GENERAL.—Subject to the negotiation and conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 5, and notwithstanding section 510(b)(2) of the Water Quality Act of 1987 (101 Stat. 81), the Commission is authorized and directed to provide for the secondary treatment of a total of not more than 50 mgd in Mexico—

(A) of effluent from the IWTP if such treatment is not provided for at a facility in the United States; and

(B) of additional sewage emanating from the Tijuana River area, Mexico.

(2) ADDITIONAL AUTHORITY.—Subject to the results of the comprehensive plan developed under subsection (b) revealing a need for additional secondary treatment capacity in the San Diego-Tijuana border region and recommending the provision of such capacity in Mexico, the Commission may provide not more than an additional 25 mgd of secondary treatment capacity in Mexico for treatment described in paragraph (1).

(b) COMPREHENSIVE PLAN.—Not later than 24 months after the date of enactment of this Act, the Administrator shall develop a comprehensive plan with stakeholder involvement to address the transborder sanitation problems in the San Diego-Tijuana border region. The plan shall include, at a minimum—

(1) an analysis of the long-term secondary treatment needs of the region;

(2) an analysis of upgrades in the sewage collection system serving the Tijuana area, Mexico; and

(3) an identification of options, and recommendations for preferred options, for additional sewage treatment capacity for future flows emanating from the Tijuana River area, Mexico.

(c) CONTRACT.—

(1) IN GENERAL.—Subject to the availability of appropriations to carry out this subsection and notwithstanding any provision of Federal procurement law, upon conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 5, the Commission may enter into a fee-for-services contract with the owner of a Mexican facility in order to carry out the secondary treatment requirements of subsection (a) and make payments under such contract.

(2) TERMS.—Any contract under this subsection shall provide, at a minimum, for the following:

(A) Transportation of the advanced primary effluent from the IWTP to the Mexican facility for secondary treatment.

(B) Treatment of the advanced primary effluent from the IWTP to the secondary treatment level in compliance with water quality laws of the United States, California, and Mexico.

(C) Return conveyance from the Mexican facility of any such treated effluent that cannot be reused in either Mexico or the United States to the South Bay Ocean Outfall for discharge into the Pacific Ocean in compliance with water quality laws of the United States and California.

(D) Subject to the requirements of subsection (a), additional sewage treatment capacity that provides for advanced primary and secondary treatment of sewage described in subsection (a)(1)(B) in addition to the capacity required to treat the advanced primary effluent from the IWTP.

(E) A contract term of 30 years.

(F) Arrangements for monitoring, verification, and enforcement of compliance with United States, California, and Mexican water quality standards.

(G) Arrangements for the disposal and use of sludge, produced from the IWTP and the Mexican facility, at a location or locations in Mexico.

(H) Payment of fees by the Commission to the owner of the Mexican facility for sewage treatment services with the annual amount payable to reflect all agreed upon costs associated with the development, financing, construction, operation, and maintenance of the Mexican facility.

(I) Provision for the transfer of ownership of the Mexican facility to the United States, and provision for a cancellation fee by the United States to the owner of the Mexican facility, if the Commission fails to perform its obligations under the contract. The cancellation fee shall be in amounts declining over the term of the contract anticipated to be sufficient to repay construction debt and other amounts due to the owner that remain unamortized due to early termination of the contract.

(J) Provision for the transfer of ownership of the Mexican facility to the United States, without a cancellation fee, if the owner of the Mexican facility fails to perform the obligations of the owner under the contract.

(K) To the extent practicable, the use of competitive procedures by the owner of the Mexican facility in the procurement of property or services for the engineering, construction, and operation and maintenance of the Mexican facility.

(L) An opportunity for the Commission to review and approve the selection of contractors providing engineering, construction, and operation and maintenance for the Mexican facility.

(M) The maintenance by the owner of the Mexican facility of all records (including books, documents, papers, reports, and other materials) necessary to demonstrate compliance with the terms of this Act and the contract.

(N) Access by the Inspector General of the Department of State or the designee of the Inspector General for audit and examination of all records maintained pursuant to subparagraph (M) to facilitate the monitoring and evaluation required under subsection (d).

(3) LIMITATION.—The Contract Disputes Act of 1978 (41 U.S.C. 601–613) shall not apply to a contract executed under this section.

(d) IMPLEMENTATION.—

(1) IN GENERAL.—The Inspector General of the Department of State shall monitor the implementation of any contract entered into under this section and evaluate the extent to which the owner of the Mexican facility has met the terms of this section and fulfilled the terms of the contract.

(2) REPORT.—The Inspector General shall transmit to Congress a report containing the evaluation under paragraph (1) not later than 2 years after the execution of any contract with the owner of the Mexican facility under this section, 3 years thereafter, and periodically after the second report under this paragraph.

SEC. 5. NEGOTIATION OF NEW TREATY MINUTE.

(a) CONGRESSIONAL STATEMENT.—In light of the existing threat to the environment and to public health and safety within the United States as a result of the river and ocean pollution in the San Diego-Tijuana border region, the Secretary is requested to give the highest priority to the negotiation and execution of a new Treaty Minute, or a modification of Treaty Minute 283, consistent with the provisions of this Act, in order that the other provisions of this Act to address such pollution may be implemented as soon as possible.

(b) NEGOTIATION.—

(1) INITIATION.—The Secretary is requested to initiate negotiations with Mexico, within 60 days after the date of enactment of this Act, for a new Treaty Minute or a modification of Treaty Minute 283 consistent with the provisions of this Act.

(2) IMPLEMENTATION.—Implementation of a new Treaty Minute or of a modification of Treaty Minute 283 under this Act shall be subject to the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) MATTERS TO BE ADDRESSED.—A new Treaty Minute or a modification of Treaty Minute 283 under paragraph (1) should address, at a minimum, the following:

(A) The siting of treatment facilities in Mexico and in the United States.

(B) Provision for the secondary treatment of effluent from the IWTP at a Mexican facility if such treatment is not provided for at a facility in the United States.

(C) Provision for additional capacity for advanced primary and secondary treatment of additional sewage emanating from the Tijuana River area, Mexico, in addition to the treatment capacity for the advanced primary effluent from the IWTP at the Mexican facility.

(D) Provision for any and all approvals from Mexican authorities necessary to facilitate water quality verification and enforcement at the Mexican facility.

(E) Any terms and conditions considered necessary to allow for use in the United States of treated effluent from the Mexican facility, if there is reclaimed water which is surplus to the needs of users in Mexico and such use is consistent with applicable United States and California law.

(F) Any other terms and conditions considered necessary by the Secretary in order to implement the provisions of this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Mississippi (Mr. TAYLOR) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3378, the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 will help solve sanitation problems in the San Diego and Tijuana border region.

San Diego is in a state of emergency. Raw or partially treated sewage flows from Mexico into the United States, creating significant health and safety risks. To comprehensively address the problem, H.R. 3378 encourages the United States to negotiate new international agreements with Mexico and provides the U.S. authority to enter into a public-private partnership with a private corporation to help meet the rapidly growing wastewater treatment needs in the area.

I encourage the United States to continue the current proposal involving a public-private partnership to address the treatment problems along the border as quickly as possible.

I want to commend two of our colleagues, Mr. Speaker, the gentleman from California (Mr. BILBRAY) and the gentleman from California (Mr. FILNER), who have been like bulldogs on this issue, and have consistently brought it before the committee and now the full House again for their leadership in helping to resolve this significant international health and environmental issue.

I urge my colleagues to support this bill as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation under consideration today is an attempt to stem the ongoing flows of untreated and partially treated sewage that have impacted the communities and beaches of Southern California for almost 70 years.

The U.S.-Mexican border region has experienced rapid growth over the past few decades. The cities of San Diego and Tijuana, Mexico, though on opposite sides of the border, have grown closer together, both physically and economically, the fates of the two cities. What happens in one city has had an impact on the other. This is especially true in the case of sewage treatment needs in the border region.

Unfortunately, the wastewater treatment systems of the City of Tijuana, Mexico, have not kept pace with the city's growing population. Untreated sewage flowing from Mexico through the Tijuana River and into the Pacific Ocean has adversely impacted the South Bay communities of San Diego County, the river valley and estuary, and the coastal waters of the United States. These flows continue to pose serious threat to public health, economy and environment in the region.

For decades, the U.S. and Mexican governments have been working to develop a solution to the San Diego-Mexican sewage problem. Numerous alternatives have been considered and an international wastewater treatment plant located in the United States was selected as the best alternative. As a result the U.S. and Mexican governments formally agreed, in Treaty Minute 283, to construct the South Bay International Wastewater Treatment Plant, located in San Diego, to treat and dispose of the sewage flows.

In order to comply with international obligations and to achieve some level of treatment as quickly as possible, the South Bay treatment facility was constructed in stages. The first stage, which included the advanced primary treatment of sewage flows, became operational in 1998.

However, over the past few years, numerous significant circumstances have presented themselves, including predictions of future population growth in the region justifying a review of the best means of permanently addressing the sewage treatment needs in the border region.

In response to these needs, the gentleman from San Diego, California (Mr. FILNER), and the gentleman from San Diego, California (Mr. BILBRAY), introduced H.R. 3378, to expeditiously resolve the problem of migrating sewage. I commend these gentleman for their hard work and diligence to resolve this problem that has affected the health and safety of their constituents for decades.

H.R. 3378 would direct the Secretary of State to give the highest priority to initiate negotiations on a new or revised treaty with Mexico for the secondary treatment of sewage generated in the Tijuana River Valley region.

Subject to the negotiation and execution of a new treaty, and the availability of adequate appropriations, this legislation would authorize the United States, acting through the U.S. section of the International Boundary and Water Commission, to enter into a long-term contract with a private company for the construction and operation of a secondary treatment facility in Mexico.

The bill would authorize the construction of a facility with the capacity of treating 50 million gallons of sewage per day to secondary levels, with the possibility of expanding the facility by an additional 25 million gallons should such levels be found necessary for the long-term treatment needs of the region.

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In addition, to address the contracting concerns that have been raised with this bill, the legislation includes provisions requiring, to the extent practicable, the use of competitive procedures by the owner of the Mexican facility in the procurement of property or services for the engineering, construction and operation and maintenance of the facility, as well as the commission's review and approval of contractors selected to carry out these functions.

Also, the bill requires the Inspector General of the Department of State to monitor the implementation of the legislation, to evaluate the extent to which the owner has met the terms called for in the bill, and to report to Congress on its findings.

Mr. Speaker, another benefit of this legislation is that it provides for the reuse of treated waters in Mexico and, if available, in the United States. By authorizing the construction of facilities capable of treating waste waters to potable water, we will help alleviate some of the pressure in finding new sources of drinkable waters at a time when the communities in Mexico and Southwestern United States are facing serious water shortages.

Again, I commend the gentlemen from California (Mr. FILNER) and (Mr. BILBRAY) for their work on this bill. It is a good bill, and I urge my colleagues to support it.

Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BILBRAY), one of the authors of the bill and the gentleman who advises me he has been working on this problem for his constituents for a quarter of a century.

(Mr. BILBRAY asked and was given permission to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, I want to thank the chairman of the Committee on Transportation and Infrastructure (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, who I learned very early when I got to this floor is very concerned about the quality of the waters of this Nation and the surrounding area, someone who has spent a lot of time working on this issue and is very concerned about it.

I would also like to thank the gentleman from New York (Mr. GILMAN) and the ranking member of the Committee on International Relations. I would just like to say sincerely, I want to thank the gentleman from Waveland, Mississippi, home of Little Jays, for being able to give such a great background for this bill, articulating this piece of legislation. I appreciate the fact that he got into the details so that the rest of us do not have to restate them. I think that we can talk about the general issue.

The general issue, Mr. Speaker, is the fact that as we have set a policy in this country nationally, that the waters of the United States are, and should, remain clean, pure, and safe. Sadly, over the last 25, 30, 40 years, we have had places where there were major breakdowns. Frankly, they are not always places where we can blame our own industrial commercial or economic or political or public irresponsibility.

The Tijuana River happens to flow through a community of over 1 million people in the Republic of Mexico; and it flows north like the Nile, not south like the Mississippi. And, it flows towards the United States into an estuarian preserve that has been set aside as a critical habitat preservation by the United States, and then flows into the oceans of the United States and flows north through the communities of Imperial Beach and Coronado.

I, for one, happen to be an individual who was raised as a child in Imperial Beach and grew up with the hideous problem of pollution in our waters that did not come from our neighborhood, but came from our neighbors. I would just ask everyone to be very sensitive of the fact that when a young person is raised, it is bad enough for that person to go to their beaches and find out that they cannot go into the water, it is unsafe, it is polluted, it is a danger to their life and to the wildlife around them, but to then also be told in less than tactful ways that it is somebody else that did this to you, that a foreign government or foreign people imposed this on your life and your little part of paradise.

I think for too long we have allowed that to occur. As the Federal Government over the last 30 years has demanded and required local communities to come up and participate in the cleansing and the cleaning of the waters of the United States, sadly, the United States for too long has found reasons not to go to our neighbors to the north or the south and say look, neighbor, good neighbors do not pollute each other's backyard. Do not threaten the children of the person on the other side of the fence. Sadly, that has happened for all too long.

Mr. Speaker, today we are asking for support of a bill that will work with Mexico in addressing a Mexican problem that is being inflicted on American citizens. Today, we are asking for support of a bill that says, Mexico recognizes that it has created an environmental problem and is willing to work with us at treating their sewage in Mexico, not in the United States.

Now, my colleague, the gentleman from California (Mr. FILNER), joined with me and the gentleman from California (Mr. CUNNINGHAM) and with the gentleman from California (Mr. HUNTER) and with the gentleman from California (Mr. PACKARD). Every member of the delegation of San Diego County that represents over 3 million people finds that it is time that the Federal Government try to think outside the box, try to encourage innovative approaches without compromising environmental options.

Mr. Speaker, I am very proud to say as somebody who has worked on this issue for over a quarter of a century, that I really think that we have fallen on an idea that may set an example not just for our current relationships with Tijuana and Mexico. It may be something that our committees of international relations may want to look at, and work with committees like the Committee on Transportation and Infrastructure on an international-national policy, that we pay for outcome and treatment, not for projects that may, or hopefully will treat; that we pay for the actual protection of the environment rather than the promise of the protection of the environment.

Now, this bill does not get the job done all by itself, but it opens the door that allows us as a region and as a Nation to start cooperating with Mexico in a way that we will ask Mexico to meet us halfway, that we will participate in the creation of service and infrastructure capabilities to avoid the environmental damage that has happened in the past; to clean up a problem that has been ignored for all too long and to address the fact that Mexico not only has a challenge that we are willing to work with them on, but has an opportunity to take this problem and create it into an asset: reusable water.

Mr. Speaker, I think that we have to recognize that H.R. 3378 provides the means to implement a plan that the City of San Diego, the mayor of Tijuana, the Surfrider Foundation consistently has found is not only the right answer here, but may be the answer to many other places where we have problems like this. The citizens of the City of Imperial Beach and Coronado and San Diego have waited far too long for the United States Government to protect them in their environment, to hold our neighbors to the same standards that we require of our own citizens, and to do it in a manner that does not cause conflict, but creates consensus and cooperation.

This bill should be used as a blueprint as how we can work with foreign governments to be able to have an outcome-based environmental strategy. This bill will enable us to be able to show how governments and peoples can work together for not just the good of the environment, but for the community at large that shares the environment.

Mr. Speaker, I ask my colleagues who strongly express their care and need and their desire to protect the environment to support this bill, and support the concept that if we really care about the environment, then we will care about it in every square inch of this Nation, and we will do what we can, when we can, where we can.

The Tijuana sewage problem has gone on for too long. My children, Mr. Speaker, are second-generation sewage kids. They have grown up under the cloud that their beaches may be polluted at any moment. I want to make

sure that my grandchildren do not have to be threatened with their beaches being closed, their environment being polluted.

I want to thank the ranking member who is here today for his very, very committed involvement in this, and I want to say clearly that I know the gentleman from California (Mr. FILNER); I have worked with him a long time. Bob would like to be here; we have very critical work he is doing in San Diego, and the gentleman from California (Mr. HUNTER) and the gentleman from California (Mr. CUNNINGHAM) and the gentleman from California (Mr. PACKARD) all join us in saying please join us in protecting our part of the United States, to treat our citizens with the equity that every other American has been guaranteed, and let us do it while we are working with a bright, new, cooperative future with the Republic of Mexico.

Mr. Speaker, I rise in strong support of H.R. 3378, and urge my colleagues to again cast the votes on behalf of the environment and public health of the San Diego-Tijuana border region.

Just over a year ago, Mr. Speaker, the House voted 427–0 in support of a Sense of Congress brought by myself and my colleague Mr. FILNER; this resolution expressed the Sense of Congress that the governments of the U.S. and Mexico should enter into negotiations of a new Treaty Minute, to allow for the siting of secondary sewage treatment infrastructure in Mexico, and the development of a privately funded Mexican facility to provide for the treatment to secondary levels of raw sewage originating in Mexico, which continues to present a public health threat to citizens and their environment on both sides of the border.

My colleagues, by supporting this amendment last July, you were recognizing the need to ''think outside the box'' in order to provide a comprehensive solution for one of the most vexing international environmental and public health challenges we face today. The overwhelming support for that resolution has paved the way for the bill we are considering today—H.R. 3378, the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000. My colleague Mr. FILNER and I introduced this bipartisan bill to fulfill the intent of that Sense of Congress, and after its consideration and approval by the Transportation and Infrastructure Committee, and the International Relations Committee, we stand here today at a historic point in U.S.-Mexico environmental cooperation, poised to move forward in a mutually beneficial manner.

Before proceeding any further, Mr. Speaker, I want to specifically thank Transportation Committee Chairman SHUSTER and International Relations Committee Chairman GILMAN, and their respective ranking members, Mr. OBERSTAR and Mr. GEJDENSON, for all their hard work in helping to bring this bill to the floor. It is a credit to the vision of these gentlemen that the San Diego-Tijuana border region now stands to benefit from the comprehensive solution that H.R. 3378 will provide, and I thank them for their ability to see what can be accomplished here, and their willingness to work with me and my colleagues in a bipartisan manner to do so.

Many of you are well aware of the ongoing health and environmental threats which have existed along this border region for decades, as a result of renegade flows of untreated sewage from Mexico. We have reached a critical point in the rapid growth of the San Diego-Tijuana border region; already, we are experiencing peak sewage flows into the U.S. from Mexico in excess of 75 million gallons per day (mgd), and it is essential that any treatment works that are built are able to respond to and address these ever-increasing flows. We are here today in support of a proposal which will help to meet and address this threat in a substantive manner. The facilities which would be constructed in Mexico under H.R. 3378 would allow for development of 50 mgd of treatment initially, with the ability to expand its capacity as needed to deal with future flows. Other alternatives would be inadequate to meet the region's needs, lack the ability to be expanded to treat increasing future flows, and provide no long term solution for the region.

An added and significant benefit of the facilities which will be developed in Mexico under this bill is their ability to reclaim and reuse treated wastewater (which would belong to Mexico) and make it available to the rapidly expanding business and industrial sectors of Tijuana. In this growing and arid border region, water is a particularly scare and valuable commodity, and water which can be reclaimed and reused from these treatment facilities can reduce the high demand for precious potable water supplies for drinking and other uses in Mexican households.

In addition to the strong bipartisan support which Congress has already demonstrated for this approach, there is significant support in the border region as well, ranging from the City of San Diego, Mayor of Tijuana, and the Surfrider Foundation, a conservation organization which is committed to healthy oceans. I have a brief statement from the Surfrider Foundation which I would ask to be entered into the record at this point, along with a letter of support from the Mayor of Tijuana, which I would also ask to be included. I would like to add, Mr. Speaker, that I am extremely encouraged by the responses to this proposal from both the Mayor of Tijuana, and from representatives of the incoming President of Mexico, Vicente Fox. Let me quote two excerpts from the Mayor's letter to me:

. . . Bajagua represents the kind of entrepreneurial solution that will not only help comprehensively meet both of our constituents' sewage treatment needs, it will also provide a much needed source of water for the citizens and businesses of Tijuana.

As you know, I am a member of the PAN. As such, I feel comfortable stating that the Bajagua project is representative of the type of private sector solution that President-elect Fox would like to use and extol as a model in Mexico during his administration.

Mr. Speaker, we ought not to underestimate the historic and precedent-setting potential of our vote here today. In addition to providing a comprehensive means by which to address this border sewage problem, we have the opportunity to establish a new relationship and way of doing business with our neighbor to the south. With this successful blueprint, going ''outside the box'' to develop solutions to long-standing problems will hopefully become the rule, rather than the exception. It is exciting to see the binational eagerness to move forward with this project, and that enthusiasm can be sustained and directed at other challenges as well.

Mr. Speaker, throughout my career in public service, I have wholeheartedly supported and fought for the appropriate treatment of these renegade flows in order to protect our beaches, estuaries, and the United States citizens who have had to live with this problem for far too long. I am more than willing to spend whatever time and money may be needed in order to deal with this problem comprehensively and conclusively, but both time and available dollars are extremely precious commodities, particularly when the public health continues to be at risk. Fortunately for these citizens and their impacted communities, such as my hometown of Imperial Beach, this opportunity has emerged to ''think outside the box'' and implement a progressive and comprehensive strategy that will benefit the entire region well into the future. There is tremendous and achievable potential in this approach which, once implemented, can provide a long-term and comprehensive solution to a chronic environmental program. It would be my hope that the success of this project will influence policy-makers in both Mexico and the United States, who will recognize the wisdom of moving away from the old method of doing business and in this new and innovative direction in order to better and more effectively address other environmental challenges faced by both nations.

If we are successful in implementing this process, the children of families in both San Diego and Tijuana will be able to go to their beaches, play in the estuaries, fish and swim in the oceans, and live their lives in their communities without the chronic stigma and health threat of the sewage pollution which has been an unfortunate fact of life in this region.

I want to again thank my colleagues for the support they've demonstrated for these goals, and again urge their support for H.R. 3378.

TIJUANA, BAJA CALIFORNIA,
September 6, 2000.

Hon. Brian Bilbray,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN BILBRAY: On behalf of the City of Tijuana, I would like to extend and invitation on your next visit to the region to visit with me in Tijuana and discuss the issue of cross-border sewage flows. Specifically I would to discuss our support and encouragement for the Bajagua proposal, which I understand is currently undergoing review in the United States Congress.

Our reasons for support are various and we can discuss them in more detail at our meeting, but in short, Bajagua represents the kind of entrepreneurial solution that will not only help comprehensively meet both of our constituent's sewage treatment needs, it will also provide a much needed source of water for the citizens and businesses in Tijuana.

As you know, I am a member of the PAN, As such, I feel comfortable stating that Bajagua project is representative of the type of private sector solution that President-elect Fox would like to use and extol as a model in Mexico during his administration.

Please let me know of your availability to meet and discuss this and other issues of mutual concern, I look very much to your visit.

Sincerely,

FRANCISCO DE LAMADRID,
Mayor, City of Tijuana.

SURFRIDER FOUNDATION POLICY REGARDING DELAYS IN ACHIEVING SECONDARY TREATMENT AT THE U.S. MEXICAN BORDER

JULY 9, 1999

Currently, more than 50 million gallons per day (mgd) of raw, untreated sewage enters the Tijuana River and the Tijuana Municipal Wastewater System. Less than half of this, approximately 25 mgd, is treated to advanced primary standards at the International Wastewater Treatment Plant (ITPO and discharged into the ocean via the South Bay ocean outfall. A portion of the remaining untreated sewage, up to 71 mgd, receives some indeterminate level of treatment at the San Antonio de Los Buenos Treatment Plant in Mexico. The remainder of untreated sewage is discharged directly into the nearshore marine environment at the mount of the Tijuana river and at Punta Banderas, 5 miles south of the Border. Together with numerous other groups, the San Diego County Chapter of the Surfrider Foundation is concerned about the environmental impacts and human health risks of discharging any raw sewage into the ocean, as well as effluent that receives anything less than secondary treatment.

The Environmental Protection Agency (EPA) and International Boundary and Water Commission (IBWC) are required to achieve secondary standards of treatment for all sewage discharged from the ITP by December 2000. Several options for an appropriate treatment plant have been considered by EPA and the IBWC, however, no final preferred option has been chosen. The frontrunner to date is a 25 mgd secondary treatment plant using ''Completely Mixed Aerated'' pond technology at the ''Hofer'' site adjacent to the ITP. Because the deadline to begin construction of a secondary treatment plant which would be operational by the December date has passed, the agencies have sought more time to select a preferred alternative. Additionally, this added time has been sought to fully consider options not previously considered, which would provide for a comprehensive solution to the known and future anticipated volume of sewage.

The Surfrider Foundation agrees with many others that secondary treatment must be achieved as quickly as possible. The harmful effects to the deep ocean environment, the public, as well as to the beaches and beach communities of southern San Diego County must not continue. However, recognizing that a partial solution is not solution, the Surfrider Foundation is strongly in favor of a comprehensive solution, fully aware of the risk of slight delay. A comprehensive solution will offer the benefits of timeliness as well as the consideration of other priority issues such as the ability to treat all present and future flows, impact of the plant location upon the immediate environment and population, plant expansion capability, feasibility of beneficial water reuse, proper sludge handling, and the relationship and compatibility of the proposal within the existing system of wastewater treatment on both the U.S. and Mexico.

Therefore, the Surfrider Foundation will support the EPA and the IBWC in their efforts to provide comprehensive secondary treatment of all sewage flowing from the Tijuana River as quickly as possible.

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the ranking member for mentioning one of the many great restaurants in my district, but before the people of Bay St. Louis take offense, I better claim that as my hometown, although Waveland has always been very good to me.

Mr. BILBRAY. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Speaker, I know the gentleman is from the great community of Bay St. Louis. It is just that I always remember that one of the great landmarks of Bay St. Louis has to be in Waveland; and the gentleman's office, at least your campaign office, is obviously the greatest location for crawfish anywhere in the United States, and that is Little Jays.

Mr. TAYLOR of Mississippi. Mr. Speaker, I am sure every member of the Kidd family thanks the gentleman from California for that great commercial.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my great appreciation to the gentleman from Pennsylvania (Mr. SHUSTER) for moving this legislation in such an expeditious fashion in bringing it to the House floor in order to address and, in the process of addressing, resolve a long-standing problem. I want to express my great appreciation and admiration to and for the gentleman from California (Mr. FILNER), who has been dogged and persistent in his determination to address this issue. To the gentleman from California (Mr. BILBRAY) who recently spoke, I would like to express my appreciation for his kind words, but also for his persistence, practically from the first day he arrived in this body, in literally descending upon me and other members of our committee in appealing for legislative action to address the problem of clean water, the quality of water of the beaches along San Diego, the use of which he is so well known, and for his partnership with the gentleman from California (Mr. FILNER) and the rest of the San Diego area delegation.

I would just like to address a couple of issues here that I think are very critical. The question has been raised, why should the United States be providing financial support for, in this case, in effect guaranteeing the financing of a project built in Mexico? Well, the first very simple fact is, as the gentleman from California (Mr. BILBRAY) well expressed, the Tijuana River flows into the United States, part of its course, and then out into the waters that both the United States and Mexico share. Furthermore, while there are 1 million-plus people in Tijuana and about 3 million in the U.S. San Diego side, this is 4 million headed for 6 million in a very few years. The growth is absolutely explosive, both population growth and economic growth in this very dynamic region of the North American continent. If we do not act now, the waters into which the Tijuana flows will be destroyed, perhaps for decades to come. Now is the time to act.

Secondly, this is not an issue without precedent. We have in the past provided authorization for and financing of works constructed in another country that benefit the United States. Specifically, Canada. The Red River on which Minnesota and North Dakota border flows north into Canada. The way weather works, it is a little bit warmer in Minnesota and North Dakota a little bit earlier than it is in Canada, so that by the time the ice breakup reaches Canada, it is still frozen in Canada, the water backs up and floods Minnesota and North Dakota.

So our Committee on Transportation and Infrastructure, then the Committee on Public Works, 4 decades ago authorized the construction by the Corps of Engineers, in cooperation with the Canadian authorities, of works in Canada to free up ice so the Red River of the north could flow freely without backing up and causing flooding in the United States, a benefit to U.S. citizens from work constructed in another country and paid for by the United States.

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The same principle applies here. That is what is at stake. It is important that we undertake this work and that it go forward. Of course, it will require a further international agreement between the United States and Mexico, which I am confident will be forthcoming.

Again, in conclusion, I commend the gentlemen from California, Mr. FILNER and Mr. BILBRAY, for their farsightedness in addressing this issue and bringing this legislation to the floor, and I urge its overwhelming passage.

Mr. FILNER. Mr. Speaker I rise in support of H.R. 3378, a bill providing the best chance for a comprehensive solution to the problem of Mexican sewage flowing in to the U.S. and our waters.

I introduced H.R. 3378, the Tijuana River Valley Estuary and Beach Sewage Cleanup Act, along with my colleague, Mr. BILBRAY, to end a problem that has plagued the San Diego area for decades. No other district has endured raw sewage from Mexico flowing unabated in their riverbeds and beaches.

By treating Mexican sewage in Mexico, this bill advances a common-sense solution to the problem of international sewage along the border between the United States. This is a win-win solution for both countries. The growing amount of sewage currently left untreated by Mexico and flowing into the U.S. would be treated—a win for both countries. And the treated sewage—which belongs to Mexico to begin with—could be reused in Mexican industrial and agricultural endeavors.

Current plans—those short-sighted plans supported by both the EPA and International Boundary Water Commission (IBWC)—call for treating less than half of the sewage that fouls our beaches and estuaries. It has taken these bureaucracies 10 years to prepare to build a secondary treatment arm of the International Wastewater Treatment (the IWTP). In that time, the sewage flows have more than doubled, yet they continue to fight for a plan that

will not solve the problem. The problem in beach pollution now is not the quality of the outfall coming from the International Wastewater Treatment Plant, but a growing quantity of sewage that Tijuana can't handle.

The plan that Mr. Bilbray and I are advancing in H.R. 3378 would take care of the growing quantity of sewage as well as the sewage now being treated at the IWTP. Instead of spending money on an impartial solution, it would quickly provide a comprehensive solution to the problem.

This is an acute problem. An official of the Surfrider foundation said, ''I'm surfing in sewage.'' He put it a little less delicately—and it is not a very genteel situation in my District when sewage washes up on the beach, flows down our rivers and canyons and fouls the water where our children should be able to swim worry-free.

A solution to not surfing in sewage? Build enough sewage treatment to handle the problem. That's what our bill would do. It says we will pursue a plan that can easily treat 50 million gallons of sewage each day—and perhaps even more.

The plan makes even more sense when you know that the Mexican sewage will be reclaimed and reused by industrial and agricultural users in Mexico to help cover the cost. That way, all the hazardous and unhealthy sewage that now flows into our ocean without proper treatment will be cleaned—and much of it reused so that it never gets to the ocean.

We may owe that to our surfers—but we definitely owe that to our children. I ask you to support this bill so that this innovative plan to protect the health and safety of San Diegans can move forward.

Mr. BOEHLERT. Mr. Speaker, I thank the chairman and ranking member of the Transportation and Infrastructure Committee for helping to bring H.R. 3378, the Tijuana River Valley Estuary and Beach Sewage Cleanup Act, to the House floor for action.

I also commend Representatives BILBRAY and FILNER of California, who introduced H.R. 3378, for their dedicated bi-partisan leadership in getting us to where we are today.

Their bill would authorize the United States to take actions to comprehensively address the treatment of sewage generated in the area of Tijuana, Mexico that flows untreated or partially treated into the San Diego, California area.

Thie pollution, occurring because the region's wastewater treatment capacity can not keep pace with its rapid growth, has created serious sanitation issues for decades in the U.S. In fact, the city of San Diego has declared a continued state of emergency since 1993 due to the threats to public health and the environment resulting from increasing sewage flows into the area.

To provide sufficient wastewater treatment capacity in the area, H.R. 3378 encourages the U.S. to negotiate new international agreements with Mexico. It also authorizes the United States to enter into an innovative public-private partnership to construct and operate a new wastewater treatment facility in Mexico.

It's time to resolve this serious sanitation issue that has plagued the San Diego border area for decades. I support passage of H.R. 3378, as amended, and urge my colleagues to do the same.

Mr. TAYLOR of Mississippi. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 3378, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ESTUARY RESTORATION ACT OF 2000

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1775) to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Estuary Restoration Act of 2000''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to promote the restoration of estuary habitat;

(2) to develop a national estuary habitat restoration strategy for creating and maintaining effective estuary habitat restoration partnerships among public agencies at all levels of government and to establish new partnerships between the public and private sectors;

(3) to provide Federal assistance for estuary habitat restoration projects and to promote efficient financing of such projects; and

(4) to develop and enhance monitoring and research capabilities to ensure that estuary habitat restoration efforts are based on sound scientific understanding and to create a national database of estuary habitat restoration information.

SEC. 3. DEFINITIONS.

In this Act, the following definitions apply:

(1) COUNCIL.—The term ''Council'' means the Estuary Habitat Restoration Council established by section 5.

(2) ESTUARY.—The term ''estuary'' means a part of a river or stream or other body of water that has an unimpaired connection with the open sea and where the sea water is measurably diluted with fresh water derived from land drainage. The term also includes near coastal waters and wetlands of the Great Lakes that are similar in form and function to estuaries.

(3) ESTUARY HABITAT.—The term ''estuary habitat'' means the physical, biological, and chemical elements associated with an estuary, including the complex of physical and hydrologic features and living organisms within the estuary and associated ecosystems.

(4) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term ''estuary habitat restoration activity'' means an activity that results in improving degraded estuaries or estuary habitat or creating estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) INCLUDED ACTIVITIES.—The term ''estuary habitat restoration activity'' includes—

(i) the reestablishment of chemical, physical, hydrologic, and biological features and components associated with an estuary;

(ii) except as provided in subparagraph (C), the cleanup of pollution for the benefit of estuary habitat;

(iii) the control of nonnative and invasive species in the estuary;

(iv) the reintroduction of species native to the estuary, including through such means as planting or promoting natural succession;

(v) the construction of reefs to promote fish and shellfish production and to provide estuary habitat for living resources; and

(vi) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term ''estuary habitat restoration activity'' does not include an activity that—

(i) constitutes mitigation required under any Federal or State law for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) constitutes restoration for natural resource damages required under any Federal or State law.

(5) ESTUARY HABITAT RESTORATION PROJECT.—The term ''estuary habitat restoration project'' means a project to carry out an estuary habitat restoration activity.

(6) ESTUARY HABITAT RESTORATION PLAN.—

(A) IN GENERAL.—The term ''estuary habitat restoration plan'' means any Federal or State plan for restoration of degraded estuary habitat that was developed with the substantial participation of appropriate public and private stakeholders.

(B) INCLUDED PLANS AND PROGRAMS.—The term ''estuary habitat restoration plan'' includes estuary habitat restoration components of—

(i) a comprehensive conservation and management plan approved under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(ii) a lakewide management plan or remedial action plan developed under section 118 of the Federal Water Pollution Control Act (33 U.S.C. 1268);

(iii) a management plan approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); and

(iv) the interstate management plan developed pursuant to the Chesapeake Bay program under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).

(8) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given such term by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) NON-FEDERAL INTEREST.—The term ''non-federal interest'' means a State, a political subdivision of a State, an Indian tribe, a regional or interstate agency, or, as provided in section 4(g)(2), a nongovernmental organization.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of the Army.

(11) STATE.—The term ''State'' means the States of Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, Washington, and Wisconsin, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands,