

116TH CONGRESS
2D SESSION

S. 3211

To amend the Federal Water Pollution Control Act to modify certain allotments under that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2020

Mr. RUBIO (for himself and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Water Pollution Control Act to modify certain allotments under that Act, 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 “Clean Water Allotment
5 Modernization Act”.

6 **SEC. 2. MODIFICATIONS TO ALLOTMENTS UNDER FEDERAL**
7 **WATER POLLUTION CONTROL ACT.**

8 Section 205 of the Federal Water Pollution Control
9 Act (33 U.S.C. 1285) is amended—

1 (1) by striking the section designation and
 2 heading and all that follows through the end of sub-
 3 section (a) and inserting the following:

4 **“SEC. 205. ALLOTMENTS.**

5 “(a) FISCAL YEARS 2021 AND THEREAFTER.—

6 “(1) IN GENERAL.—For fiscal year 2021 and
 7 each fiscal year thereafter, of the amounts made
 8 available for the fiscal year, the Administrator shall
 9 make allotments to States and territories and pos-
 10 sessions of the United States in accordance with this
 11 subsection.

12 “(2) FISCAL YEARS 2021 AND 2022.—

13 “(A) CERTAIN TERRITORIES AND POSSES-
 14 SIONS.—Notwithstanding any other provision of
 15 this section, subject to subparagraph (C), for
 16 each of fiscal years 2021 and 2022, of the
 17 amounts made available for the fiscal year, the
 18 Administrator shall initially provide under this
 19 subsection to each territory or possession of the
 20 United States (other than the Commonwealth
 21 of Puerto Rico) an allotment of not less than
 22 the allotment described in the following table:

“Territory or possession	Allotment
American Samoa	0.004063
Guam	0.006328
Northern Mariana Islands	0.002250
Virgin Islands	0.002358.

1 “(B) STATES, DISTRICT OF COLUMBIA,
2 AND PUERTO RICO.—Notwithstanding any other
3 provision of this section, subject to subpara-
4 graph (C), for each of fiscal years 2021 and
5 2022, of the amounts made available for the
6 fiscal year remaining after the allotments under
7 subparagraph (A) are provided, each State, the
8 District of Columbia, and the Commonwealth of
9 Puerto Rico shall receive an allotment under
10 this subsection of not less than the allotment
11 described in the following table:

“State	Allotment
Alabama	0.010697
Alaska	0.005000
Arizona	0.016651
Arkansas	0.005000
California	0.085481
Colorado	0.013329
Connecticut	0.011613
Delaware	0.005000
District of Columbia	0.005001
Florida	0.091324
Georgia	0.013990
Hawaii	0.005897
Idaho	0.006140
Illinois	0.034437
Indiana	0.019873
Iowa	0.010305
Kansas	0.010519
Kentucky	0.014435
Louisiana	0.033232
Maine	0.005894
Maryland	0.029054
Massachusetts	0.025852
Michigan	0.039307
Minnesota	0.017899
Mississippi	0.006992
Missouri	0.022532
Montana	0.005000
Nebraska	0.006313
Nevada	0.008674

“State	Allotment
New Hampshire	0.007609
New Jersey	0.041644
New Mexico	0.005000
New York	0.084044
North Carolina	0.020203
North Dakota	0.005000
Ohio	0.042865
Oklahoma	0.009182
Oregon	0.011879
Pennsylvania	0.030161
Puerto Rico	0.009931
Rhode Island	0.005113
South Carolina	0.007800
South Dakota	0.005000
Tennessee	0.011061
Texas	0.047631
Utah	0.005000
Vermont	0.005000
Virginia	0.027382
Washington	0.015596
West Virginia	0.011870
Wisconsin	0.020585
Wyoming	0.005000.

1 “(C) LIMITATION.—Notwithstanding any
2 other provision of this section, for each of fiscal
3 years 2021 and 2022, the Administrator may
4 not decrease the amount provided to any State
5 or territory or possession of the United States
6 under this section by more than—

7 “(i) a percentage below the amount
8 provided to the State or territory or pos-
9 session of the United States under this
10 section for fiscal year 2019 that is equal to
11 the percentage decrease in total funding
12 under this section, as compared to that
13 total funding for fiscal year 2019, if the

total funding remains below 95 percent of that fiscal year 2019 funding level; or

“(ii) 5 percent below the amount provided to the State or territory or possession of the United States under this section for fiscal year 2019, if the total amount of funding under this section remains at or above 95 percent of that fiscal year 2019 funding level.

“(3) ALLOTMENT UPDATES.—

“(A) IN GENERAL.—The Administrator shall update the tables contained in paragraph (2) through application of the formula developed pursuant to subparagraph (B)—

“(i) by not later than September 30, 2022, to ensure updated allotments are in effect for fiscal year 2023; and

“(ii) thereafter, by not later than 1 year after the date of submission of any new clean watersheds needs survey and associated data under section 516(b)(1)(B).

“(B) FORMULA.—

“(i) IN GENERAL.—The Administrator shall develop, by regulation, a formula for the calculation of allotments to States and

1 territories and possessions of the United
2 States under this section, in accordance
3 with clauses (ii) and (iii).

4 “(ii) REQUIREMENTS.—

5 “(I) BASES.—The formula under
6 clause (i) shall be developed based
7 on—

8 “(aa) the State needs identi-
9 fied in the most recently available
10 clean watersheds needs survey
11 prepared by the Administrator
12 under section 516(b)(1)(B);

13 “(bb) the State population
14 results of the most recent decen-
15 nial census; and

16 “(cc) the most recently
17 available water quality impair-
18 ment component ratio published
19 by the Administrator for pur-
20 poses of this Act.

21 “(II) WEIGHT.—In developing
22 the formula under clause (i), the Ad-
23 ministrator shall give—

1 “(aa) 50-percent weight to
2 the survey referred to in sub-
3 clause (I)(aa);

4 “(bb) 30-percent weight to
5 the census referred to in sub-
6 clause (I)(bb); and

7 “(cc) 20-percent weight to
8 the ratio referred to in subclause
9 (I)(cc).

10 “(iii) LIMITATION.—Notwithstanding
11 clause (ii), in developing the formula under
12 this subparagraph, the Administrator may
13 not increase the allotment to any State or
14 territory or possession of the United States
15 by more than 200 percent, or decrease the
16 allotment to the State, territory, or posses-
17 sion by more than 25 percent, as compared
18 to the allotment level established for the
19 State or territory or possession of the
20 United States under the previous for-
21 mula.”;

22 (2) in subsection (g)(1), by striking “shall not
23 exceed 4 per centum. or \$400,000 whichever amount
24 is the greater” and inserting “shall not exceed the
25 greater of 4 percent and \$400,000”; and

- 1 (3) in subsection (m)(1), by striking “for this
- 2 fiscal year.” and inserting “for that fiscal year.”.

