



CWCC

Clean Water Construction Coalition
P.O. Box 728 * Allenwood, NJ 08720
(732) 292-4300 * FAX: (732) 292-4310

ROBERT A. BRIANT, JR.
Chairman

August 24, 2015

**HOUSE TRANSPORTATION AND INFRASTRUCTURE SUBCOMMITTEE
REQUESTS COALITION COMMENTS ON DRAFT CLEAN WATER BILL**

The House Transportation and Infrastructure Subcommittee on Water Resources and Environment (Democrat staff) has reached out to Clean Water Construction Coalition representatives requesting our review and comment concerning draft legislation that provides 5 year funding for the Clean Water SRF. The draft bill is titled the "Water Quality Protection and Job Creation Act of 2015" and amends the Federal Water Pollution Control Act. The draft measure provides funds to the CWSRF for 5 years. Funding ranges from \$2.4 billion in federal fiscal year 2016 to \$3 billion in federal fiscal year 2020.

The draft bill is in its early development stages and much more language is expected to be added to the bill. The areas that are bracketed are specific areas that the Subcommittee wishes to receive comments on. Please review the measure and submit your comments to the Coalition office to Helene@utcanj.org by September 7, 2015.

OCTOBER NATIONAL MEETING HAS BEEN SCHEDULED IN CHICAGO

Over the past year Clean Water Construction Coalition representatives have been working with a group of non-Coalition Utility Contractor Associations from the western United States. The group has scheduled a two-day meeting in Chicago to discuss issues facing the industry. Several Coalition members have been participating with this group and plan to attend the meeting. Day one is going to focus on association management related issues such as membership services, dues and non-dues income and other related topics. The second day will focus on regulatory and legislative issues impacting the industry. This is a good opportunity for the members of the Clean Water Construction Coalition to attend and discuss matters with these other associations.

The event is scheduled for October 22 – 23, 2015 with the first meeting starting at 9:00 am on October 22, 2015. A special rate is available by using the Westin Chicago link below.

Lodging
Westin Chicago NW
400 Park Blvd. <http://www.westinchicagonorthwest.com/underground>
Itasca, IL 60143
(630) 773-4000

Meeting Location
Underground Contractors Association of Illinois
500 Park Blvd. Ste: 154C
Itasca, IL 60143

If you plan to attend, please contact Dennis Hart at (732) 292-4300 or by email at Dennis@utcanj.org

- AGC of America
- AGC of Texas
- Alabama Utility Contractors Association
- Associated Pennsylvania Constructors
- Associated Utility Contractors Of Maryland *
- Connecticut Construction Industries Association
- CIC of Westchester County & Hudson Valley *
- Engineering Contractors Association
- General Contractors Association Of New York
- Indiana Construction Association
- Long Island Contractors Association
- Maryland Transportation Builders & Materials Association
- Michigan Infrastructure & Transportation Association
- Minnesota Utility Contractors Association*
- National Rural Water Association
- Ohio Contractors Association
- Public Works Contractors Association of Maryland
- Southern California Contractors Association
- Tennessee Road Builders Association
- Underground Contractors Association of Illinois *
- United Contractors *
- UCA of Anne Arundel County
- Utility Contractors Association of New England *
- Utility & Transportation Contractors Association of New Jersey *
- Contractors Association Of West Virginia
- Wisconsin Underground Contractors Association

* Steering Committee Member

[DISCUSSION DRAFT]

114TH CONGRESS
1ST SESSION

H. R. _____

To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, 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; TABLE OF CONTENTS.**

4 (a) IN GENERAL.—This Act may be cited as the
5 “Water Quality Protection and Job Creation Act of
6 2015”.

7 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendment of Federal Water Pollution Control Act.

TITLE I—WATER QUALITY FINANCING

Subtitle A—Technical and Management Assistance

- Sec. 101. Technical assistance.
- Sec. 102. State management assistance.
- Sec. 103. Watershed pilot projects.

Subtitle B—State Water Pollution Control Revolving Funds

- Sec. 111. Capitalization grant agreements.
- Sec. 112. Water pollution control revolving loan funds.
- Sec. 113. State planning assistance.
- Sec. 114. Intended use plan.
- Sec. 115. Technical assistance.
- Sec. 116. Authorization of appropriations.

Subtitle C—Tonnage Duties

- Sec. 121. Tonnage duties.

Subtitle D—Innovative Financing Pilot Projects

- Sec. 131. Determination of eligibility and project selection.

TITLE II—[GRANTS]

- Sec. 201. Pilot program for alternative water source projects.
- Sec. 202. Sewer overflow control grants.

1 **SEC. 2. AMENDMENT OF FEDERAL WATER POLLUTION CON-**
 2 **TROL ACT.**

3 Except as otherwise expressly provided, whenever in
 4 this Act an amendment or repeal is expressed in terms
 5 of an amendment to, or repeal of, a section or other provi-
 6 sion, the reference shall be considered to be made to a
 7 section or other provision of the Federal Water Pollution
 8 Control Act (33 U.S.C. 1251 et seq.).

1 **TITLE I—WATER QUALITY**
2 **FINANCING**
3 **Subtitle A—Technical and**
4 **Management Assistance**

5 **SEC. 101. TECHNICAL ASSISTANCE.**

6 (a) TECHNICAL ASSISTANCE FOR RURAL AND SMALL
7 TREATMENT WORKS.—Section 104(b) (33 U.S.C.
8 1254(b)) is amended—

9 (1) by striking “and” at the end of paragraph
10 (6);

11 (2) by striking the period at the end of para-
12 graph (7) and inserting “; and”; and

13 (3) by adding at the end the following:

14 “(8) make grants to nonprofit organizations—

15 “(A) to provide technical assistance to
16 rural, small, and tribal municipalities for the
17 purpose of assisting, in consultation with the
18 State in which the assistance is provided, such
19 municipalities and tribal governments in the
20 planning, developing, and acquisition of financ-
21 ing for eligible projects described in section
22 603(c);

23 “(B) to provide technical assistance and
24 training for rural, small, and tribal publicly
25 owned treatment works and decentralized

1 wastewater treatment systems to enable such
2 treatment works and systems to protect water
3 quality and achieve and maintain compliance
4 with the requirements of this Act; and

5 “(C) to disseminate information to rural,
6 small, and tribal municipalities and municipali-
7 ties that meet the affordability criteria estab-
8 lished under section 603(i)(2) by the State in
9 which the municipality is located with respect to
10 planning, design, construction, and operation of
11 publicly owned treatment works and decentral-
12 ized wastewater treatment systems.”.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
14 104(u) (33 U.S.C. 1254(u)) is amended—

15 (1) by striking “and (6)” and inserting “(6)”;
16 and

17 (2) by inserting before the period at the end the
18 following: “; and (7) not to exceed \$100,000,000 for
19 each of fiscal years 2016 through 2020 for carrying
20 out subsections (b)(3), (b)(8), and (g), except that
21 not less than 20 percent of the amounts appro-
22 priated pursuant to this paragraph in a fiscal year
23 shall be used for carrying out subsection (b)(8)”.

1 **SEC. 102. STATE MANAGEMENT ASSISTANCE.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
3 106(a) (33 U.S.C. 1256(a)) is amended—

4 (1) by striking “and” at the end of paragraph
5 (1);

6 (2) by striking the semicolon at the end of
7 paragraph (2) and inserting “; and”; and

8 (3) by inserting after paragraph (2) the fol-
9 lowing:

10 “(3) such sums as may be necessary for each
11 of fiscal years 1991 through 2015, and
12 \$300,000,000 for each of fiscal years 2016 through
13 2020;”.

14 (b) TECHNICAL AMENDMENT.—Section 106(e) (33
15 U.S.C. 1256(e)) is amended by striking “Beginning in fis-
16 cal year 1974 the” and inserting “The”.

17 **SEC. 103. WATERSHED PILOT PROJECTS.**

18 The first sentence of section 122(c) is amended to
19 read as follows:

20 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated to carry out this section
22 \$120,000,000 for each of fiscal years 2016 through
23 2020.”.

1 **Subtitle B—State Water Pollution**
2 **Control Revolving Funds**

3 **SEC. 111. CAPITALIZATION GRANT AGREEMENTS.**

4 Section 602(b) (33 U.S.C. 1382(b)) is amended—

5 (1) in paragraph (13)(B)(iii), by striking “;
6 and” and inserting a semicolon;

7 (2) in paragraph (14), by striking the period at
8 the end and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(15) the State will use at least 15 percent of
11 the amount of each capitalization grant received by
12 the State under this title after September 30, 2015,
13 to provide assistance to municipalities of fewer than
14 10,000 individuals that meet the affordability cri-
15 teria established by the State under section
16 603(i)(2) for projects or activities included on the
17 State’s priority list under section 603(g), to the ex-
18 tent that there are sufficient applications for such
19 assistance.”.

20 **SEC. 112. WATER POLLUTION CONTROL REVOLVING LOAN**
21 **FUNDS.**

22 Section 603(d) (33 U.S.C. 1383(d)) is amended—

23 **[(1) by striking “and” at the end of paragraph**
24 **(6);]**

1 [(2) by striking the period at the end of para-
2 graph (7) and inserting a semicolon; and]

3 [(3) by adding at the end the following:]

4 [“(8) to provide grants to owners and operators
5 of treatment works that serve a population of
6 10,000 or fewer for obtaining technical and planning
7 assistance and assistance in financial management,
8 user fee analysis, budgeting, capital improvement
9 planning, facility operation and maintenance, equip-
10 ment replacement, and other activities to improve
11 wastewater treatment plant management and oper-
12 ations, except that the total amount provided by the
13 State in grants under this paragraph for a fiscal
14 year may not exceed one percent of the total amount
15 of assistance provided by the State from the fund in
16 the preceding fiscal year, or 2 percent of the total
17 amount received by the State in capitalization grants
18 under this title in the preceding fiscal year, which-
19 ever amount is greatest; and]

20 [“(9) to provide grants to owners and operators
21 of treatment works for conducting an assessment of
22 the energy and water consumption of the treatment
23 works, and evaluating potential opportunities for en-
24 ergy and water conservation through facility oper-
25 ation and maintenance, equipment replacement, and

1 projects or activities that promote the efficient use
2 of energy and water by the treatment works, except
3 that the total amount provided by the State in
4 grants under this paragraph for a fiscal year may
5 not exceed one percent of the total amount of assist-
6 ance provided by the State from the fund in the pre-
7 ceding fiscal year, or 2 percent of the total amount
8 received by the State in capitalization grants under
9 this title in the preceding fiscal year, whichever
10 amount is greatest.”.]

11 **[SEC. 113. STATE PLANNING ASSISTANCE.**

12 Section 604(b) (33 U.S.C. 1384(b)) is amended by
13 striking “1 percent” and inserting “2 percent”.]

14 **SEC. 114. INTENDED USE PLAN.**

15 (a) INTEGRATED PRIORITY LIST.—Section 603(g)
16 (33 U.S.C. 1383(g)) is amended to read as follows:

17 “(g) PRIORITY LIST.—

18 “(1) IN GENERAL.—For fiscal year 2017 and
19 each fiscal year thereafter, a State shall establish or
20 update a list of projects and activities for which as-
21 sistance is sought from the State’s water pollution
22 control revolving fund. Such projects and activities
23 shall be listed in priority order based on the method-
24 ology established under paragraph (2). The State
25 may provide financial assistance from the State’s

1 water pollution control revolving fund only with re-
2 spect to a project or activity included on such list.
3 In the case of projects and activities eligible for as-
4 sistance under subsection (c)(2), the State may in-
5 clude on such list a category or subcategory of
6 nonpoint sources of pollution to be addressed.

7 “(2) METHODOLOGY.—

8 “(A) IN GENERAL.—Not later than 1 year
9 after the date of enactment of this paragraph,
10 and after providing notice and opportunity for
11 public comment, each State shall establish a
12 methodology for developing a priority list under
13 paragraph (1).

14 “(B) PRIORITY FOR PROJECTS AND AC-
15 TIVITIES THAT ACHIEVE GREATEST WATER
16 QUALITY IMPROVEMENT.—In developing the
17 methodology, the State shall seek to achieve the
18 greatest degree of water quality improvement,
19 taking into consideration—

20 “(i) the requirements of section
21 602(b)(5);

22 “(ii) whether such water quality im-
23 provements would be realized without as-
24 sistance under this title; and

1 “(iii) whether the proposed projects
2 and activities would address water quality
3 impairments associated with existing treat-
4 ment works.

5 “(C) CONSIDERATIONS IN SELECTING
6 PROJECTS AND ACTIVITIES.—In determining
7 which projects and activities will achieve the
8 greatest degree of water quality improvement,
9 the State shall consider—

10 “(i) information developed by the
11 State under sections 303(d) and 305(b);

12 “(ii) the State’s continuing planning
13 process developed under sections 205(j)
14 and 303(e);

15 “(iii) whether such project or activity
16 may have a beneficial impact related to the
17 purposes identified under section 302(a);

18 “(iv) the State’s management pro-
19 gram developed under section 319; and

20 “(v) conservation and management
21 plans developed under section 320 with re-
22 spect to an estuary lying in whole or in
23 part within the State.

24 “(D) NONPOINT SOURCES.—For categories
25 or subcategories of nonpoint sources of pollu-

1 tion that a State may include on its priority list
2 under paragraph (1), the State shall consider
3 the cumulative water quality improvements as-
4 sociated with projects or activities carried out
5 pursuant to the listing of such categories or
6 subcategories.

7 “(E) EXISTING METHODOLOGIES.—If a
8 State has previously developed, after providing
9 notice and an opportunity for public comment,
10 a methodology that meets the requirements of
11 this paragraph, the State may use the method-
12 ology for the purposes of this subsection.”.

13 (b) INTENDED USE PLAN.—Section 606(c) (33
14 U.S.C. 1386(c)) is amended—

15 (1) in the matter preceding paragraph (1) by
16 inserting “and publish” after “each State shall an-
17 nually prepare”;

18 (2) by striking paragraph (1) and inserting the
19 following:

20 “(1) the State’s priority list developed under
21 section 603(g);”;

22 (3) in paragraph (4), by striking “and” at the
23 end;

24 (4) by striking the period at the end of para-
25 graph (5) and inserting “; and”; and

1 (5) by adding at the end the following:

2 “(6) if the State does not fund projects and ac-
3 tivities in the order of the priority established under
4 section 603(g), an explanation of why such a change
5 in order is appropriate.”.

6 (c) **TRANSITIONAL PROVISION.**—Before completion
7 of a priority list based on a methodology established under
8 section 603(g) of the Federal Water Pollution Control Act
9 (as amended by this section), a State shall continue to
10 comply with the requirements of sections 603(g) and
11 606(c) of such Act, as in effect on the day before the date
12 of enactment of this Act.

13 **[SEC. 115. TECHNICAL ASSISTANCE.**

14 Section 607 is amended to read as follows:】

15 **[“SEC. 607. TECHNICAL ASSISTANCE.**

16 **[“(a) SIMPLIFIED PROCEDURES.**—Not later than 1
17 year after the date of enactment of this section, the Ad-
18 ministrator shall assist the States in establishing sim-
19 plified procedures for treatment works to obtain assistance
20 under this title.】

21 **[“(b) PUBLICATION OF MANUAL.**—Not later than 2
22 years after the date of the enactment of this section, and
23 after providing notice and opportunity for public comment,
24 the Administrator shall publish a manual to assist treat-
25 ment works in obtaining assistance under this title and

1 publish in the Federal Register notice of the availability
2 of the manual.】

3 【“(c) COMPLIANCE CRITERIA.—At the request of any
4 State, the Administrator, after providing notice and an op-
5 portunity for public comment, shall assist in the develop-
6 ment of criteria for a State to determine compliance with
7 the conditions of funding assistance established under sec-
8 tions 602(b)(13) and 603(d)(1)(E).”】

9 **[SEC. 116. AUTHORIZATION OF APPROPRIATIONS.**

10 Title VI (33 U.S.C. 1381 et seq.) is amended by add-
11 ing at the end the following:】

12 **“SEC. 609. AUTHORIZATION OF APPROPRIATIONS.**

13 “There is authorized to be appropriated to carry out
14 the purposes of this title the following sums:

15 【“(1) \$2,400,000,000 for fiscal year 2016.】

16 【“(2) \$2,700,000,000 for fiscal year 2017.】

17 【“(3) \$2,800,000,000 for fiscal year 2018.】

18 【“(4) \$2,900,000,000 for fiscal year 2019.】

19 【“(5) \$3,000,000,000 for fiscal year 2020.”】

20 **Subtitle C—Tonnage Duties**

21 **SEC. 121. TONNAGE DUTIES.**

22 (a) IN GENERAL.—Section 60301 of title 46, United
23 States Code, is amended by striking subsections (a) and
24 (b) and inserting the following:

25 “(a) LOWER RATE.—

1 “(1) IMPOSITION OF DUTY.—A duty is imposed
2 at the rate described in paragraph (2) at each entry
3 in a port of the United States of—

4 “(A) a vessel entering from a foreign port
5 or place in North America, Central America,
6 the West Indies Islands, the Bahama Islands,
7 the Bermuda Islands, or the coast of South
8 America bordering the Caribbean Sea; or

9 “(B) a vessel returning to the same port or
10 place in the United States from which it de-
11 parted, and not entering the United States
12 from another port or place, except—

13 “(i) a vessel of the United States;

14 “(ii) a recreational vessel (as defined
15 in section 2101 of this title); or

16 “(iii) a barge.

17 “(2) RATE.—The rate referred to in paragraph
18 (1) shall be—

19 **【“(A) 9.0 cents per ton (but not more**
20 **than a total of 45 cents per ton per year) for**
21 **fiscal years 2016 through 2025; and】**

22 **【“(B) 2 cents per ton (but not more than**
23 **a total of 10 cents per ton per year) for each**
24 **fiscal year thereafter.】**

25 “(b) HIGHER RATE.—

1 “(1) IMPOSITION OF DUTY.—A duty is imposed
2 at the rate described in paragraph (2) on a vessel
3 at each entry in a port of the United States from
4 a foreign port or place not named in subsection
5 (a)(1).

6 “(2) RATE.—The rate referred to in paragraph
7 (1) shall be—

8 【“(A) 27 cents per ton (but not more than
9 a total of \$1.35 per ton per year) for fiscal
10 years 2016 through 2025; and】

11 【“(B) 6 cents per ton (but not more than
12 a total of 30 cents per ton per year) for each
13 fiscal year thereafter.”.】

14 (b) CONFORMING AMENDMENTS.—Such title is fur-
15 ther amended—

16 (1) by striking the heading for subtitle VI and
17 inserting the following:

18 **“Subtitle VI—Clearance and**
19 **Tonnage Duties”;**

20 (2) in the heading for chapter 603, by striking
21 **“TAXES”** and inserting **“DUTIES”**;

22 (3) in the headings of sections in chapter 603,
23 by striking **“taxes”** each place it appears and in-
24 serting **“duties”**;

1 (4) in the heading for subsection (a) of section
2 60303, by striking “TAX” and inserting “DUTY”;

3 (5) in the text of sections in chapter 603, by
4 striking “taxes” each place it appears and inserting
5 “duties”; and

6 (6) in the text of sections in chapter 603, by
7 striking “tax” each place it appears and inserting
8 “duty”.

9 (c) CLERICAL AMENDMENTS.—Such title is further
10 amended—

11 (1) in the title analysis by striking the item re-
12 lating to subtitle VI and inserting the following:

“VI. CLEARANCE AND TONNAGE DUTIES60101”;

13 (2) in the analysis for subtitle VI by striking
14 the item relating to chapter 603 and inserting the
15 following:

“603. Tonnage Duties and Light Money 60301”;

16 and

17 (3) in the analysis for chapter 603—

18 (A) by striking the items relating to sec-
19 tions 60301 and 60302 and inserting the fol-
20 lowing:

“60301. Regular tonnage duties.

“60302. Special tonnage duties.”;

21 and

1 (B) by striking the item relating to section
2 60304 and inserting the following:

“60304. Presidential suspension of tonnage duties and light money.”.

3 **Subtitle D—Innovative Financing**
4 **Pilot Projects**

5 **SEC. 131. DETERMINATION OF ELIGIBILITY AND PROJECT**
6 **SELECTION.**

7 (a) **REPEAL OF LIMITATION.**—Section 5028(a) of the
8 Water Resources Reform and Development Act of 2014
9 (33 U.S.C. 3907(a)) is amended by striking paragraph (5)
10 and redesignating paragraphs (6) and (7) as paragraphs
11 (5) and (6), respectively.

12 (b) **CONFORMING AMENDMENTS.**—Section
13 5034(b)(2) of the Water Resources Reform and Develop-
14 ment Act of 2014 (33 U.S.C. 3913(b)(2)) is amended—

15 (1) by striking subparagraph (A) and redesign-
16 ating subparagraphs (B) and (C) as paragraphs
17 (A) and (B), respectively; and

18 (2) in subparagraph (B), as so redesignated, by
19 striking “subparagraphs (A) and (B)” and inserting
20 “subparagraph (A)”.

21 **TITLE II—[GRANTS]**

22 **SEC. 201. PILOT PROGRAM FOR ALTERNATIVE WATER**
23 **SOURCE PROJECTS.**

24 (a) **IN GENERAL.**—Section 220(b) (33 U.S.C.
25 1300(b)) is amended to read as follows:

1 “(b) IN GENERAL.—The Administrator may estab-
2 lish a pilot program to make grants to State, interstate,
3 and intrastate water resource development agencies (in-
4 cluding water management districts and water supply au-
5 thorities), and local government agencies for alternative
6 water source projects to meet critical water supply
7 needs.”.

8 (b) SELECTION OF PROJECTS.—Section 220(d) (33
9 U.S.C. 1300(d)) is amended by striking paragraph (2) and
10 redesignating paragraph (3) as paragraph (2).

11 (c) COMMITTEE RESOLUTION PROCEDURE.—Section
12 220 (33 U.S.C. 1300(e)) is amended by striking sub-
13 section (e) and redesignating subsections (f) through (j)
14 as subsections (e) through (i), respectively.

15 (d) DEFINITIONS.—Section 220(h)(1) (as redesi-
16 gnated by subsection (c) of this section) is amended by
17 striking “or wastewater or by treating wastewater” and
18 inserting “, wastewater, or stormwater or by treating
19 wastewater or stormwater”.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
21 220(i) (as redesignated by subsection (c) of this section)
22 is amended by striking “\$75,000,000 for fiscal years 2002
23 through 2004” and inserting “\$50,000,000 for each of fis-
24 cal years 2016 through 2020”.

1 **SEC. 202. SEWER OVERFLOW CONTROL GRANTS.**

2 Section 221 (33 U.S.C. 1301) is amended—

3 (1) by amending the section heading to read as
4 follows: “**SEWER OVERFLOW AND STORMWATER**
5 **REUSE MUNICIPAL GRANTS**”;

6 (2) by amending subsection (a) to read as fol-
7 lows:

8 “(a) **IN GENERAL.**—

9 “(1) **GRANTS TO STATES.**—The Administrator
10 may make grants to States for the purpose of pro-
11 viding grants to a municipality or municipal entity
12 for planning, design, and construction of treatment
13 works to intercept, transport, control, treat, or reuse
14 municipal combined sewer overflows, sanitary sewer
15 overflows, or stormwater.

16 “(2) **DIRECT MUNICIPAL GRANTS.**—Subject to
17 subsection (g), the Administrator may make a direct
18 grant to a municipality or municipal entity for the
19 purposes described in paragraph (1).”;

20 (3) by amending subsection (e) to read as fol-
21 lows:

22 “(e) **ADMINISTRATIVE REQUIREMENTS.**—A project
23 that receives assistance under this section shall be carried
24 out subject to the same requirements as a project that
25 receives assistance from a State water pollution control
26 revolving fund under title VI, except to the extent that

1 the Governor of the State in which the project is located
2 determines that a requirement of title VI is inconsistent
3 with the purposes of this section. For the purposes of this
4 subsection, a Governor may not determine that the re-
5 quirements of title VI relating to the application of section
6 513 are inconsistent with the purposes of this section.”;

7 (4) by amending subsection (f) to read as fol-
8 lows:

9 “(f) AUTHORIZATION OF APPROPRIATIONS.—

10 “(1) IN GENERAL.—There is authorized to be
11 appropriated to carry out this section \$500,000,000
12 for each of fiscal years 2016 through 2020.

13 “(2) MINIMUM ALLOCATIONS.—To the extent
14 there are sufficient eligible project applications, the
15 Administrator shall ensure that a State uses not less
16 than 20 percent of the amount of the grants made
17 to the State under subsection (a) in a fiscal year to
18 carry out projects to intercept, transport, control,
19 treat, or reuse municipal combined sewer overflows,
20 sanitary sewer overflows, or stormwater through the
21 use of green infrastructure, water and energy effi-
22 ciency improvements, and other environmentally in-
23 novative activities.”; and

24 (5) by amending subsection (g) to read as fol-
25 lows:

1 “(g) ALLOCATION OF FUNDS.—

2 “(1) FISCAL YEAR 2016.—Subject to subsection
3 (h), the Administrator shall use the amounts appro-
4 priated to carry out this section for fiscal year 2016
5 for making grants to municipalities and municipal
6 entities under subsection (a)(2) in accordance with
7 the criteria set forth in subsection (b).

8 “(2) FISCAL YEAR 2017 AND THEREAFTER.—

9 Subject to subsection (h), the Administrator shall
10 use the amounts appropriated to carry out this sec-
11 tion for fiscal year 2017 and each fiscal year there-
12 after for making grants to States under subsection
13 (a)(1) in accordance with a formula to be established
14 by the Administrator, after providing notice and an
15 opportunity for public comment, that allocates to
16 each State a proportional share of such amounts
17 based on the total needs of the State for municipal
18 combined sewer overflow controls, sanitary sewer
19 overflow controls, and stormwater identified in the
20 most recent survey conducted pursuant to section
21 516 and any other information the Administrator
22 considers appropriate.”.