

119TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. SCOTT of Florida (for himself, Mr. KELLY, Mr. CURTIS, Mr. BENNET,
Mr. CRAPO, Mr. OSSOFF, Mr. WARNOCK, and Mr. GALLEG0) introduced
the following bill; which was read twice and referred to the Committee
on _____

A BILL

To amend the Federal Water Pollution Control Act to modify
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 of 2026”.

6 **SEC. 2. MODIFICATION TO ALLOTMENTS UNDER THE FED-**
7 **ERAL WATER POLLUTION CONTROL ACT.**

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

1 striking the section designation and heading and all that
2 follows through the end of subsection (c) and inserting the
3 following:

4 **“SEC. 205. ALLOTMENTS.**

5 “(a) DEFINITIONS.—In this section:

6 “(1) BUY AMERICAN OVERSIGHT.—The term
7 ‘Buy American oversight’ means any activity carried
8 out by the Administrator for the purposes of man-
9 agement or oversight with respect to section 608.

10 “(2) CLEAN WATERSHEDS NEEDS SURVEY.—
11 The term ‘clean watersheds needs survey’ means the
12 assessment prepared by the Administrator under
13 section 609.

14 “(3) STATE.—The term ‘State’ means—

15 “(A) each of the 50 States;

16 “(B) the District of Columbia; and

17 “(C) the Commonwealth of Puerto Rico.

18 “(4) UNITED STATES TERRITORY.—The term
19 ‘United States territory’ means—

20 “(A) American Samoa;

21 “(B) the Commonwealth of the Northern
22 Mariana Islands;

23 “(C) the United States Virgin Islands; and

24 “(D) Guam.

1 “(b) SET ASIDES.—Before making an allotment to
2 States under subsection (c), of the amounts made avail-
3 able from appropriation to carry out this section for a fis-
4 cal year, the Administrator shall set aside the following:

5 “(1) BUY AMERICAN OVERSIGHT.—Not less
6 than 0.1 percent to carry out Buy American over-
7 sight.

8 “(2) ALLOTMENTS FOR INDIAN TRIBES.—Pur-
9 suant to section 518(c)(2), 2 percent for Indian
10 tribes (as defined in section 518(h)) for the purposes
11 described in section 518(c)(3).

12 “(3) ALLOTMENTS FOR UNITED STATES TERRI-
13 TORIES.—1.5 percent for allotment to United States
14 territories in an amount consistent with the allot-
15 ment the United States territory received in fiscal
16 year 2026.

17 “(c) ALLOTMENTS TO STATES.—

18 “(1) FORMULA.—Beginning with the first fiscal
19 year after the publication of the initial formula pur-
20 suant to paragraph (3)(A), of the amounts appro-
21 priated to carry out this section for a fiscal year
22 that remain available after the set-asides required
23 under subsection (b) and any other required set-
24 asides, the Administrator shall allot to States—

1 “(A) 60 percent based on the proportion
2 that—

3 “(i) the needs of a State, as identified
4 in the categories and associated propor-
5 tions included in the most recent clean wa-
6 tersheds needs survey; bears to

7 “(ii) the needs of all States, as identi-
8 fied in that most recent clean watersheds
9 needs survey;

10 “(B) 20 percent based on the proportion
11 that—

12 “(i) the population of a State, as iden-
13 tified in the most recent decennial census
14 or American Community Survey 1-year es-
15 timate of population; bears to

16 “(ii) the population of all States, as
17 identified in that most recent decennial
18 census or American Community Survey 1-
19 year estimate of population; and

20 “(C) 20 percent based on the proportion
21 that—

22 “(i) the share of the population of a
23 State at or below 200 percent of the Fed-
24 eral poverty level, as identified in the most

1 recent American Community Survey 1-year
2 estimate of poverty; bears to

3 “(ii) the total of the share of the pop-
4 ulation of all States at or below 200 per-
5 cent of the Federal poverty level, as identi-
6 fied in that most recent American Commu-
7 nity Survey 1-year estimate of poverty.

8 “(2) TRANSITION PERIOD.—For the first fiscal
9 year after the publication of the initial formula pur-
10 suant to paragraph (3)(A), and for each of the 3
11 subsequent fiscal years thereafter, the Administrator
12 shall ensure that the allotment pursuant to para-
13 graph (1) for each State does not, as compared to
14 the amount allotted to the State during the imme-
15 diately prior fiscal year—

16 “(A) increase by more than 200 percent;
17 or

18 “(B) decrease by more than 25 percent.

19 “(3) PUBLICATION.—

20 “(A) INITIAL FORMULA.—The Adminis-
21 trator shall publish in the Federal Register the
22 formula and allotment amounts pursuant to
23 this subsection by not later than September 30
24 of the first fiscal year after the publication of
25 the first clean watersheds needs survey after

1 the date of enactment of the Clean Water Allot-
2 ment Modernization Act of 2026.

3 “(B) UPDATES REQUIRED.—The Adminis-
4 trator shall publish annually in the Federal
5 Register updates, as appropriate, to the allot-
6 ments for each State based on the most re-
7 cently released—

8 “(i) decennial census;

9 “(ii) American Community Survey 1-
10 year estimates of population and poverty;
11 and

12 “(iii) clean watersheds needs survey.”.

13 (b) MINIMUM ALLOTMENTS.—Section 205(e) of the
14 Federal Water Pollution Control Act (33 U.S.C. 1285(e))
15 is amended by striking “(e) For” and all that follows
16 through “1990” in the first sentence and inserting the fol-
17 lowing:

18 “(e) MINIMUM ALLOTMENT; ADDITIONAL APPRO-
19 PRIATIONS; RATIO OF AMOUNT AVAILABLE.—For fiscal
20 year 2027 and each fiscal year thereafter”.

21 (c) NO EFFECT ON INFRASTRUCTURE FUNDS.—
22 Nothing in this section or an amendment made by this
23 section affects—

24 (1) amounts made available to carry out section
25 205 of the Federal Water Pollution Control Act (33

1 U.S.C. 1285) or title VI of that Act (33 U.S.C.
2 1381 et seq.) under division J of the Infrastructure
3 Investment and Jobs Act (Public Law 117–58; 135
4 Stat. 1350); or

5 (2) any allocations of those amounts.

6 **SEC. 3. CLEAN WATERSHEDS NEEDS SURVEY.**

7 Section 516 of the Federal Water Pollution Control
8 Act (33 U.S.C. 1375) is amended—

9 (1) by striking subsection (b); and

10 (2) by redesignating subsections (c) through (e)
11 as subsections (b) through (d), respectively.

12 **SEC. 4. ADDITIONAL ELIGIBLE USE OF CAPITALIZATION**
13 **GRANTS.**

14 Section 603(k) of the Federal Water Pollution Con-
15 trol Act (33 U.S.C. 1383(k)) is amended—

16 (1) in the subsection heading, by striking
17 “USE” and inserting “USES”;

18 (2) by striking “A State may” and inserting the
19 following:

20 “(1) TECHNICAL ASSISTANCE.—A State may”;

21 and

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

23 “(2) CLEAN WATERSHEDS NEEDS SURVEYS.—

24 Notwithstanding any other provision of this section,
25 of the amounts received by a State through a cap-

1 italization grant with funds made available under
2 this title and section 205(m) each fiscal year, a
3 State may use not more than 0.5 percent to carry
4 out activities necessary for the assessment under
5 section 609.”.