

title. Including the expenditures authorized by the first sentence of this subsection, a total (as determined by the Governor of the State) of not less than 4 per centum nor more than 7½ per centum of the funds allotted to such State for any fiscal year beginning after September 30, 1981, under subsection (c) of this section shall be expended only for increasing the Federal share of grants for construction of treatment works pursuant to section 1282(a)(2) of this title.”

Subsec. (j)(3). Pub. L. 100-4, §209, inserted provision directing State to allocate at least 40 percent of amount granted under par. (2) to regional public comprehensive planning organizations and appropriate interstate organizations for development and implementation of plan, with exception for less than 40 percent allocation in certain circumstances.

Subsec. (j)(5). Pub. L. 100-4, §316(d), added par. (5).

Subsec. (l). Pub. L. 100-4, §210, added subsec. (l).

Subsec. (m). Pub. L. 100-4, §212(b), added subsec. (m). 1981—Subsec. (c). Pub. L. 97-117, §13(a), designated existing provision as par. (1) and added par. (2).

Subsec. (e). Pub. L. 97-117, §13(b), substituted “1981, 1982, 1983, 1984, and 1985” for “and 1981” in two places.

Subsec. (g)(1). Pub. L. 97-117, §14, inserted “except in the case of any fiscal year beginning on or after October 1, 1981, and ending before October 1, 1985, in which case the percentage authorized to be reserved shall not exceed 4 per centum.” after “October 1, 1977,” and provision that sums authorized to be reserved be in addition to and not in lieu of any other funds which may be authorized to carry out this subsection.

Subsec. (i). Pub. L. 97-117, §8(c), substituted “September 30, 1981, September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985” for “and September 30, 1981”, struck out “from 75 per centum to 85 per centum” after “innovative processes and techniques”, and inserted provision that including the expenditures authorized by the first sentence of this subsection, a total, as determined by the State Governor, of not less than 4 per centum nor more than 7½ per centum of the funds allotted to such State for any fiscal year beginning after Sept. 30, 1981, under subsec. (c) of this section be expended only for increasing the Federal share of grants for construction of treatment works pursuant to section 1282(a)(2) of this title.

Subsecs. (j), (k). Pub. L. 97-117, §§15, 16, added subsecs. (j) and (k).

1980—Subsec. (g)(1). Pub. L. 96-483 inserted “of the amount authorized under section 1287 of this title for purposes” after “2 per centum”.

1977—Subsec. (a). Pub. L. 95-217, §25(a), substituted “each fiscal year beginning after June 30, 1972, and before September 30, 1977” for “each fiscal year beginning after June 30, 1972”.

Subsecs. (c) to (f). Pub. L. 95-217, §25(b), added subsecs. (c) to (f).

Subsecs. (g) to (i). Pub. L. 95-217, §§26(a), 27, 28, added subsecs. (g) to (i).

1974—Subsec. (a). Pub. L. 93-243 inserted provisions that for the fiscal year ending June 30, 1975, the ratio shall be determined one-half on the basis of table I of House Public Works Committee Print Numbered 93-28 and one-half on the basis of table II of such print, except that no State shall receive an allotment less than that which it received for the fiscal year ending June 30, 1972, as set forth in table III of such print and substituted “June 30, 1975” for “June 30, 1974” in sentence beginning “Allotments for fiscal years”.

CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-303 effective Nov. 10, 1998, and Federal Water Pollution Act (33 U.S.C. 1251 et seq.)

to be applied and administered on and after Nov. 27, 2002, as if amendments made by section 501(a)-(d) of Pub. L. 105-362 had not been enacted, see section 302(b) of Pub. L. 107-303, set out as a note under section 1254 of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

AVAILABILITY OF ALLOTTED SUMS IN SUBSEQUENT YEARS; REALLOTMENT OF UNOBLIGATED SUMS

Section 7 of Pub. L. 96-483 provided that: “Notwithstanding section 205(d) of the Federal Water Pollution Control Act (33 U.S.C. 1285), sums allotted to the States for the fiscal year 1979 shall remain available for obligation for the fiscal year for which authorized and for the period of the next succeeding twenty-four months. The amount of any allotment not obligated by the end of such thirty-six month period shall be immediately reallocated by the Administrator on the basis of the same ratio as applicable to sums allotted for the then current fiscal year, except that none of the funds reallocated by the Administrator for fiscal year 1979 shall be allotted to any State which failed to obligate any of the funds being reallocated. Any sum made available to a State by reallocation under this section shall be in addition to any funds otherwise allotted to such State for grants under title II of the Federal Water Pollution Control Act [this subchapter] during any fiscal year. This section shall take effect on September 30, 1980.”

§ 1286. Reimbursement and advanced construction

(a) Publicly owned treatment works construction initiated after June 30, 1966, but before July 1, 1973; reimbursement formula

Any publicly owned treatment works in a State on which construction was initiated after June 30, 1966, but before July 1, 1973, which was approved by the appropriate State water pollution control agency and which the Administrator finds meets the requirements of section 1158 of this title in effect at the time of the initiation of construction shall be reimbursed a total amount equal to the difference between the amount of Federal financial assistance, if any, received under such section 1158 of this title for such project and 50 per centum of the cost of such project, or 55 per centum of the project cost where the Administrator also determines that such treatment works was constructed in conformity with a comprehensive metropolitan treatment plan as described in section 1158(f) of this title as in effect immediately prior to October 18, 1972. Nothing in this subsection shall result in any such works receiving Federal grants from all sources in excess of 80 per centum of the cost of such project.

(b) Publicly owned treatment works construction initiated between June 30, 1956, and June 30, 1966; reimbursement formula

Any publicly owned treatment works constructed with or eligible for Federal financial assistance under this Act in a State between June 30, 1956, and June 30, 1966, which was approved by the State water pollution control agency and which the Administrator finds meets the requirements of section 1158 of this title prior to October 18, 1972 but which was constructed without assistance under such section

1158 of this title or which received such assistance in an amount less than 30 per centum of the cost of such project shall qualify for payments and reimbursement of State or local funds used for such project from sums allocated to such State under this section in an amount which shall not exceed the difference between the amount of such assistance, if any, received for such project and 30 per centum of the cost of such project.

(c) Application for reimbursement

No publicly owned treatment works shall receive any payment or reimbursement under subsection (a) or (b) of this section unless an application for such assistance is filed with the Administrator within the one year period which begins on October 18, 1972. Any application filed within such one year period may be revised from time to time, as may be necessary.

(d) Allocation of funds

The Administrator shall allocate to each qualified project under subsection (a) of this section each fiscal year for which funds are appropriated under subsection (e) of this section an amount which bears the same ratio to the unpaid balance of the reimbursement due such project as the total of such funds for such year bears to the total unpaid balance of reimbursement due all such approved projects on the date of enactment of such appropriation. The Administrator shall allocate to each qualified project under subsection (b) of this section each fiscal year for which funds are appropriated under subsection (e) of this section an amount which bears the same ratio to the unpaid balance of the reimbursement due such project as the total of such funds for such year bears to the total unpaid balance of reimbursement due all such approved projects on the date of enactment of such appropriation.

(e) Authorization of appropriations

There is authorized to be appropriated to carry out subsection (a) of this section not to exceed \$2,600,000,000 and, to carry out subsection (b) of this section, not to exceed \$750,000,000. The authorizations contained in this subsection shall be the sole source of funds for reimbursements authorized by this section.

(f) Additional funds

(1) In any case where a substantial portion of the funds allotted to a State for the current fiscal year under this subchapter have been obligated under section 1281(g) of this title, or will be so obligated in a timely manner (as determined by the Administrator), and there is construction of any treatment works project without the aid of Federal funds and in accordance with all procedures and all requirements applicable to treatment works projects, except those procedures and requirements which limit construction of projects to those constructed with the aid of previously allotted Federal funds, the Administrator, upon his approval of an application made under this subsection therefor, is authorized to pay the Federal share of the cost of construction of such project when additional funds are allotted to the State under this subchapter if prior to the construction of the

project the Administrator approves plans, specifications, and estimates therefor in the same manner as other treatment works projects. The Administrator may not approve an application under this subsection unless an authorization is in effect for the first fiscal year in the period for which the application requests payment and such requested payment for that fiscal year does not exceed the State's expected allotment from such authorization. The Administrator shall not be required to make such requested payment for any fiscal year—

(A) to the extent that such payment would exceed such State's allotment of the amount appropriated for such fiscal year; and

(B) unless such payment is for a project which, on the basis of an approved funding priority list of such State, is eligible to receive such payment based on the allotment and appropriation for such fiscal year.

To the extent that sufficient funds are not appropriated to pay the full Federal share with respect to a project for which obligations under the provisions of this subsection have been made, the Administrator shall reduce the Federal share to such amount less than 75 per centum as such appropriations do provide.

(2) In determining the allotment for any fiscal year under this subchapter, any treatment works project constructed in accordance with this section and without the aid of Federal funds shall not be considered completed until an application under the provisions of this subsection with respect to such project has been approved by the Administrator, or the availability of funds from which this project is eligible for reimbursement has expired, whichever first occurs.

(June 30, 1948, ch. 758, title II, §206, as added Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 838; amended Pub. L. 93-207, §1(2), Dec. 28, 1973, 87 Stat. 906; Pub. L. 95-217, §29(a), Dec. 27, 1977, 91 Stat. 1576; Pub. L. 96-483, §5, Oct. 21, 1980, 94 Stat. 2361.)

REFERENCES IN TEXT

Section 1158 of this title, referred to in subsecs. (a) and (b), refers to section 8 of act June 30, 1948, ch. 758, 62 Stat. 1158, prior to the supersedure and reenactment of act June 30, 1948, by act Oct. 18, 1972, Pub. L. 92-500, 86 Stat. 816. Provisions of section 1158 of this title are covered by this subchapter.

This Act, referred to in subsec. (b), means act June 30, 1948, ch. 758, 62 Stat. 1155, prior to the supersedure and reenactment of act June 30, 1948 by act Oct. 18, 1972, Pub. L. 92-500, 86 Stat. 816. Act June 30, 1948, ch. 758, as added by act Oct. 18, 1972, Pub. L. 92-500, 86 Stat. 816, enacted this chapter.

AMENDMENTS

1980—Subsec. (f)(1). Pub. L. 96-483 substituted "In any case where a substantial portion of the funds allotted to a State for the current fiscal year under this subchapter have been obligated under section 1281(g) of this title, or will be so obligated in a timely manner (as determined by the Administrator)" for "In any case where all funds allotted to a State under this subchapter have been obligated under section 1283 of this title", substituted "first fiscal year" for "future fiscal year", inserted "in the period" before "for which the application", substituted "and such requested payment for that fiscal year does not exceed the State's expected allotment from such authorization. The Administrator

shall not be required to make such requested payment for any fiscal year—” for “which authorization will insure such payment without exceeding the State’s expected allotment from such authorization.”, and added subpars. (A), (B), and provisions following subpar. (B).

1977—Subsec. (a). Pub. L. 95-217 substituted “July 1, 1973” for “July 1, 1972”.

1973—Subsec. (e). Pub. L. 93-207 substituted “\$2,600,000,000” for “\$2,000,000,000”.

APPLICATION FOR ASSISTANCE FOR PUBLICLY OWNED TREATMENT WORKS WHERE GRANTS WERE MADE BEFORE JULY 2, 1972, AND ON WHICH CONSTRUCTION WAS INITIATED BEFORE JULY 1, 1973

Section 29(b) of Pub. L. 95-217 provided that applications for assistance for publicly owned treatment works for which a grant was made under this chapter before July 1, 1972, and on which construction was initiated before July 1, 1973, be filed not later than the ninth day after Dec. 27, 1977.

APPLICATION FOR ASSISTANCE

Section 2 of Pub. L. 93-207 provided that notwithstanding the requirements of subsec. (c) of this section, applications for assistance under this section could have been filed with the Administrator until Jan. 31, 1974.

ALLOCATION OF CONSTRUCTION GRANTS APPROPRIATED FOR THE YEAR ENDING JUNE 30, 1973; INTERIM PAYMENTS; LIMITATIONS

Section 3 of Pub. L. 93-207 provided that: “Funds available for reimbursement under Public Law 92-399 [making appropriations for Agriculture-Environmental and Consumer Protection Programs for the fiscal year ending June 30, 1973] shall be allocated in accordance with subsection (d) of section 206 of the Federal Water Pollution Control Act (86 Stat. 838) [subsec. (d) of this section], pro rata among all projects eligible under subsection (a) of such section 206 [subsec. (a) of this section] for which applications have been submitted and approved by the Administrator pursuant to such Act [this chapter]. Notwithstanding the provisions of subsection (d) of such section 206, (1) the Administrator is authorized to make interim payments to each such project for which an application has been approved on the basis of estimates of maximum pro rata entitlement of all applicants under section 206(a) and (2) for the purpose of determining allocation of sums available under Public Law 92-399, the unpaid balance of reimbursement due such projects shall be computed as of January 31, 1974. Upon completion by the Administrator of his audit and approval of all projects for which an application has been filed under subsection (a) of such section 206, the Administrator shall, within the limits of appropriated funds, allocate to each such qualified project the amount remaining, if any, of its total entitlement. Amounts allocated to projects which are later determined to be in excess of entitlement shall be available for reallocation, until expended, to other qualified projects under subsection (a) of such section 206. In no event, however, shall any payments exceed the Federal share of the cost of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.”

§ 1287. Authorization of appropriations

There is authorized to be appropriated to carry out this subchapter, other than sections 1286(e), 1288 and 1289 of this title, for the fiscal year ending June 30, 1973, not to exceed \$5,000,000,000, for the fiscal year ending June 30, 1974, not to exceed \$6,000,000,000, and for the fiscal year ending June 30, 1975, not to exceed \$7,000,000,000, and subject to such amounts as are

provided in appropriation Acts, for the fiscal year ending September 30, 1977, \$1,000,000,000 for the fiscal year ending September 30, 1978, \$4,500,000,000 and for the fiscal years ending September 30, 1979, September 30, 1980, not to exceed \$5,000,000,000; for the fiscal year ending September 30, 1981, not to exceed \$2,548,837,000; and for the fiscal years ending September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985, not to exceed \$2,400,000,000 per fiscal year; and for each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988, not to exceed \$2,400,000,000; and for each of the fiscal years ending September 30, 1989, and September 30, 1990, not to exceed \$1,200,000,000.

(June 30, 1948, ch. 758, title II, §207, as added Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 839; amended Pub. L. 93-207, §1(3), Dec. 28, 1973, 87 Stat. 906; Pub. L. 95-217, §30, Dec. 27, 1977, 91 Stat. 1576; Pub. L. 97-35, title XVIII, §1801(a), Aug. 13, 1981, 95 Stat. 764; Pub. L. 97-117, §17, Dec. 29, 1981, 95 Stat. 1630; Pub. L. 100-4, title II, §211, Feb. 4, 1987, 101 Stat. 21.)

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1987—Pub. L. 100-4 inserted “; and for each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988, not to exceed \$2,400,000,000; and for each of the fiscal years ending September 30, 1989, and September 30, 1990, not to exceed \$1,200,000,000” before period at end.

1981—Pub. L. 97-117 substituted “and for the fiscal years ending September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985, not to exceed \$2,400,000,000 per fiscal year” for “and for the fiscal year ending September 30, 1982, not to exceed \$0, unless there is enacted legislation establishing an allotment formula for fiscal year 1982 construction grant funds and otherwise reforming the municipal sewage treatment construction grant program under this subchapter, in which case the authorization for fiscal year 1982 shall be an amount not to exceed \$2,400,000,000”.

Pub. L. 97-35 substituted provisions authorizing not to exceed \$2,548,837,000 for fiscal year ending Sept. 30, 1981, and not to exceed \$0 for the fiscal year ending Sept. 30, 1982, unless an allotment formula is enacted, in which case the authorization is not to exceed \$2,400,000,000, for provisions authorizing not to exceed \$5,000,000,000 for fiscal years ending Sept. 30, 1981 and 1982.

1977—Pub. L. 95-217 inserted “and subject to such amounts as are provided in appropriation Acts, for the fiscal year ending September 30, 1977, \$1,000,000,000 for the fiscal year ending September 30, 1978, \$4,500,000,000 and for the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, not to exceed \$5,000,000,000 per fiscal year”.

1973—Pub. L. 93-207 inserted reference to section 1286(e) of this title.

ADDITIONAL AUTHORIZATION OF APPROPRIATIONS

Pub. L. 94-369, title III, §301, July 22, 1976, 90 Stat. 1011, provided for authorization to carry out this subchapter, other than sections 1286, 1288, and 1289, for the fiscal year ending Sept. 30, 1977, not to exceed \$700,000,000, which sum (subject to amounts provided in appropriation Acts) was to be allotted to each State listed in column 1 of table IV contained in House Public Works and Transportation Committee Print numbered 94-25 in accordance with the percentages provided for such State (if any) in column 5 of such table, and such sum to be in addition to, and not in lieu of, any funds otherwise authorized and to be available until expended.