

(1) The final rule of the Corps of Engineers entitled "Final Rule for Regulatory Programs of the Corps of Engineers" (61 Fed. Reg. 41206 (November 13, 1986)).

(2) The proposed rule of the Environmental Protection Agency entitled "Advance Notice of Proposed Rulemaking on the Clean Water Act Regulatory Definition of 'Waters of the United States'" (68 Fed. Reg. 1991 (January 15, 2003)).

(3) The guidance document entitled "Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States* & *Carabell v. United States*" (December 2, 2008) (relating to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.)).

(4) Any subsequent regulation of or guidance issued by any Federal agency that defines or interprets the term "navigable waters".

(b) **PROHIBITION.**—The Secretary of the Army, acting through the Chief of Engineers, and the Administrator of the Environmental Protection Agency shall not promulgate any rules or issue any guidance that expands or interprets the definition of navigable waters unless expressly authorized by Congress.

#### **SEC. 12004. STATE REGULATION OF WATER.**

Nothing in this title affects, amends, or supersedes—

(1) the right of a State to regulate waters in the State; or

(2) the duty of a landowner to adhere to any State nuisance laws (including regulations) relating to waters in the State.

#### **SEC. 12005. CONSENT FOR ENTRY BY FEDERAL REPRESENTATIVES.**

Section 308 of the Federal Water Pollution Control Act (33 U.S.C. 1318) is amended by striking subsection (a) and inserting the following:

“(a) **IN GENERAL.**—

“(1) **ENTRY BY FEDERAL AGENCY.**—A representative of a Federal agency shall only enter private property to collect information about navigable waters if the owner of that property—

“(A) has consented to the entry in writing;

“(B) is notified regarding the date of the entry; and

“(C) is given access to any data collected from the entry.

“(2) **ACCESS.**—If a landowner consents to entry under paragraph (1), the landowner shall have the right to be present at the time any data collection on the property of the landowner is carried out.”.

#### **SEC. 12006. COMPENSATION FOR REGULATORY TAKING.**

(a) **IN GENERAL.**—If a Federal regulation relating to the definition of navigable waters or waters of the United States diminishes the fair market value or economic viability of a property, as determined by an independent appraiser, the Federal agency issuing the regulation shall pay the affected property owner an amount equal to twice the value of the loss.

(b) **ADMINISTRATION.**—Any payment provided under subsection (a) shall be made from the amounts made available to the relevant agency head for general operations of the agency.

(c) **APPLICABILITY.**—A Federal regulation described in subsection (a) shall have no force or effect until the date on which each landowner with a claim under this section relating to that regulation has been compensated in accordance with this section.

**SA 811.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the

Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

#### **SEC. 5011. RELEASE OF USE RESTRICTIONS.**

Notwithstanding any other provision of law, the Tennessee Valley Authority shall, in a manner it considers appropriate and without need for further congressional approval, grant releases from real estate restrictions established pursuant to section 4(k)(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831c(k)(b)) with respect to tracts of land identified in section 4(k)(b) of that Act.

**SA 812.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 578, after line 10, add the following:

#### **TITLE XII—MISCELLANEOUS**

#### **SEC. 12001. REMOVAL OF FAT POCKETBOOK PEARLY MUSSEL FROM THE LIST OF ENDANGERED OR THREATENED SPECIES.**

(a) **DEFINITION OF SECRETARY.**—In this section, the term “Secretary” has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(b) **REMOVAL.**—Not later than 30 days after the date of enactment of this section, the Secretary shall remove from the list of endangered or threatened species under section 4(c) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)) the fat pocketbook pearly mussel.

**SA 813.** Mr. BROWN (for himself, Mr. TOOMEY, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

#### **SEC. 50 . . . MULTIAGENCY EFFORT TO SLOW THE SPREAD OF ASIAN CARP IN THE UPPER MISSISSIPPI RIVER AND OHIO RIVER BASINS AND TRIBUTARIES.**

(a) **MULTIAGENCY EFFORT TO SLOW THE SPREAD OF ASIAN CARP IN THE UPPER MISSISSIPPI AND OHIO RIVER BASINS AND TRIBUTARIES.**—

(1) **IN GENERAL.**—The Director of the United States Fish and Wildlife Service, in coordination with the Chief of Engineers, the Director of the National Park Service, and the Director of the United States Geological Survey, shall lead a multiagency effort to slow the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries by providing high-level technical assistance, coordination, best practices, and support to State and local governments in carrying out activities designed to slow, and

eventually eliminate, the threat posed by Asian carp.

(2) **BEST PRACTICES.**—To the maximum extent practicable, the multiagency effort shall apply lessons learned and best practices such as those described in the document prepared by the Asian Carp Working Group entitled “Management and Control Plan for Bighead, Black, Grass, and Silver Carps in the United States”, and dated November 2007, and the document prepared by the Asian Carp Regional Coordinating Committee entitled “FY 2012 Asian Carp Control Strategy Framework” and dated February 2012.

(b) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than December 31 of each year, the Director of the United States Fish and Wildlife Service, in coordination with the Chief of Engineers, shall submit to the Committee on Appropriations and the Committee on Natural Resources of the House of Representatives and the Committee on Appropriations and the Committee on Environmental and Public Works of the Senate a report describing the coordinated strategies established and progress made toward goals to control and eliminate Asian carp in the Upper Mississippi and Ohio River basins and tributaries.

(2) **CONTENTS.**—Each report submitted under paragraph (1) shall include—

(A) any observed changes in the range of Asian carp in the Upper Mississippi and Ohio River basins and tributaries during the 2-year period preceding submission of the report;

(B) a summary of Federal agency efforts, including cooperative efforts with non-Federal partners, to control the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries;

(C) any research that the Director determines could improve the ability to control the spread of Asian carp;

(D) any quantitative measures that Director intends to use to document progress in controlling the spread of Asian carp; and

(E) a cross-cut accounting of Federal and non-Federal expenditures to control the spread of Asian carp.

#### **NOTICES OF HEARINGS**

##### **COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, May 8, 2013, at 4 p.m. in room 430 of the Dirksen Senate Office Building to mark up the nomination of Thomas E. Perez, to be Secretary of Labor.

For further information regarding this meeting, please contact the Committee at (202) 224-5375.

##### **COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, May 9, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled “Pharmaceutical Compounding: Proposed Legislative Solution.”

For further information regarding this meeting, please contact Emily Schlichting of the committee staff on (202) 224-6840

## COMMITTEE ON VETERANS' AFFAIRS

Mr. SANDERS. Mr. President, I wish to announce that the Committee on Veterans' Affairs will meet on Thursday, May 9, 2013, at 10 a.m., to conduct a hearing entitled "Pending Health Care Legislation."

For further information regarding this meeting, please contact Jeff Johnson at the Veterans' Affairs Committee at (202) 224-6478.

## COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, May 16, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled "Pending Nominations to the National Labor Relations Board."

For further information regarding this meeting, please contact Anna Porto of the committee staff on (202) 224-5441.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON ARMED SERVICES

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on May 7, 2013, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 7, 2013, at 10:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 7, 2013, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATIONS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 7, 2013, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 7, 2013, at 10:30 a.m. to conduct a hearing entitled "Border Security: Examining Provisions in the Border

Security, Economic Opportunity, and Immigration Modernization Act (S. 744)."

The PRESIDING OFFICER. Without objection, it is so ordered.

## SELECT COMMITTEE ON INTELLIGENCE

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 7, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 7, 2013, at 2:30 p.m. in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, "Credit Reports: What Accuracy and Errors Mean for Consumers."

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON STRATEGIC FORCES

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Forces be authorized to meet during the session of the Senate on May 7, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## JOINT COMMITTEE ON THE LIBRARY

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Joint Committee on the Library be authorized to meet during the session of the Senate on May 7, 2013, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NOTICE: PUBLIC FINANCIAL DISCLOSURE REPORTS

The filing date for the 2012 Public Financial Disclosure reports is Wednesday, May 15, 2013. Senators, political fund designees and staff members whose salaries exceed 120% of the GS-15 pay scale must file reports.

Public Financial Disclosure reports should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510.

The Public Records office will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

The PRESIDING OFFICER. The Senator from Ohio.

## PRODUCTION OF NATIONAL BASEBALL HALL OF FAME COMMEMORATIVE COINS

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1071, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1071) to specify the size of the precious-metal blanks that will be used in the production of the National Baseball Hall of Fame commemorative coins.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Madam President, I ask unanimous consent that the bill be read three times and passed; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1071) was ordered to a third reading, was read the third time, and passed.

## COMMEMORATING THE 10-YEAR ANNIVERSARY OF THE LOSS OF THE STATE SYMBOL OF NEW HAMPSHIRE

Mr. BROWN. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 127.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 127) commemorating the 10-year anniversary of the loss of the State symbol of New Hampshire, the Old Man of the Mountain.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 127) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of April 25, 2013, under "Submitted Resolutions.")

## NATIONAL PHYSICAL EDUCATION AND SPORT WEEK

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 130, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 130) designating the week of May 1 through May 7, 2013, as "National Physical Education and Sport Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.