

(Mr. ENZI), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Indiana (Mr. DONNELLY) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of amendment No. 1908 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

At the request of Ms. LANDRIEU, the names of the Senator from Montana (Mr. TESTER) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of amendment No. 1908 intended to be proposed to S. 1392, *supra*.

AMENDMENT NO. 1912

At the request of Mr. UDALL of Colorado, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of amendment No. 1912 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1916

At the request of Mr. HOEVEN, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of amendment No. 1916 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Mrs. BOXER, and Mr. REID):

S. 1508. A bill to authorize the Administrator of the Environmental Protection Agency to establish a program of awarding grants to owners or operators of water systems to increase the resiliency or adaptability of the systems to any ongoing or forecasted changes to the hydrologic conditions of a region of the United States; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, our existing water infrastructure is crumbling. The longer we ignore the problem, the more it costs us. The truth is that we are in a crisis that can be averted. There is no need to lose revenue from disrupted business and flooded streets. Our water infrastructure may be buried and out of sight and out of mind; but today we must elevate these systems to the priority level they deserve.

Each year within my home State of Maryland I witness stark reminders of what cities across the Nation are facing. In July of this year, Prince George's County, MD, experienced a breakdown of its most essential public infrastructure when a water main serving 100,000 people began to fail. Mandatory water restrictions were instituted, limiting access to water for homes and businesses during an intense heat wave that saw the heat index repeatedly

reach the triple digits. At the National Harbor, one hotel evacuated 3,000 guests and was forced to cancel upcoming reservations. Included in the affected area is Joint Base Andrews, which publicized plans to shut down a long list of services, including appointments at its medical center.

There are incidents like this happening all across America. The reports are startling. They confirm what every water utility professional knows: we need massive reinvestment in our water infrastructure now and over the coming decades. The Nation's drinking water infrastructure—especially the underground pipes that deliver safe drinking water to America's homes and businesses—is aging. Like many of the roads, bridges, and other public assets on which the country relies, most of our buried drinking water infrastructure was built 50 or more years ago, in the post-World War II era of rapid demographic change and economic growth. Some of our systems are even older; in Baltimore, where I live, many of the pipes were installed in the 1800s. We need investment to deal with changing population needs and changing hydrological conditions. We have no other choice but to elevate it to a public safety priority and to take action now.

The Water Infrastructure Resiliency and Sustainability Act aims to help local communities meet the challenges of upgrading water infrastructure systems to meet the hydrological changes we are seeing today. The bill directs the EPA to establish a Water Infrastructure Resiliency and Sustainability program. Grants will be awarded to eligible water systems to make the necessary upgrades. Communities across the country will be able to compete for Federal matching funds, which in turn will help finance projects to help communities overcome these threats.

Improving water conservation, adjustments to current infrastructure systems, and funding programs to stabilize communities' existing water supply are all projects WIRS grants will fund. WIRS will never grant more than 50 percent of any project's cost, ensuring cooperation between local communities and the Federal government. The EPA will try to award funds that use new and innovative ideas as often as possible.

It's estimated that by 2020, the forecasted deficit for sustaining water delivery and wastewater treatment infrastructure, will trigger a \$206 billion increase in costs for businesses. In a worst case scenario, a lack of water infrastructure investment will cause the United States to lose nearly 700,000 jobs by 2020.

A healthy water infrastructure system is as important to America's economy as paved roads and sturdy bridges. Water and wastewater investment has been shown to spur economic growth. The U.S. Conference of Mayors has found that for every dollar invested in

water infrastructure, the Gross Domestic Product is increased to more than \$6. The Department of Commerce has found that that same dollar yields close to \$3 worth of economic output in other industries. Every job created in local water and sewer industries creates close to four jobs elsewhere in the national economy.

We know that a reactive mode causes us to lose billions in revenue in the short-term. Let us instead take a proactive approach, making strategic investments in innovative projects designed to meet the current and future needs of our water systems. That is the purpose of the Water Infrastructure Resiliency and Sustainability Act.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 1509. A bill to establish a Maritime Goods Movement User Fee and provide grants for international maritime cargo improvements and for other purposes; to the Committee on Finance.

Mrs. MURRAY. Mr. President, I rise to discuss legislation that Senator CANTWELL and I are introducing today to strengthen our maritime economy and protect American jobs.

Over the past decade, we have seen increasing competition for the market share of U.S.-bound maritime goods from ports beyond our border to the north and to the south. In fact, among the 25 largest North American ports, the fastest growing in 2012 were the Port of Prince Rupert in Canada and the Port of Lazaro Cardenas in Mexico. Instead of U.S.-bound cargo creating economic growth here at home by entering at U.S. ports, we are witnessing it being diverted through Canadian and Mexican ports. This loss of cargo shipments leads to decreased activity and capacity at American ports. In our home State alone, more than 200,000 jobs are tied to the activities at the Ports of Seattle and Tacoma. With nearly 27 percent of international container cargo potentially at risk of moving to Canada from four West Coast ports, this trend could result in significant job losses.

One of the main reasons for cargo diversion is the Harbor Maintenance Tax, HMT. The HMT is a levy on imports designed to fund the operation and maintenance of America's large and small ports, which drives job creation and strengthens America's trade economy. Unfortunately, shippers have been able to avoid the Harbor Maintenance Tax by shipping goods through ports in Canada and Mexico and then transporting those goods into the United States via truck and rail. This growing cargo diversion reduces the funds available to keep our ports in operating condition.

The loss of revenue from cargo diversion is only part of the problem. Equally concerning is the fact that only half of the tax revenue collected is being spent, even though ports across the country are in desperate need of additional maintenance funding. As of 2011,

the balance of the Harbor Maintenance Trust Fund, HMTF, which is funded by the HMT, had a surplus of more than \$6.4 billion, and it continues to grow. Furthermore, of the funds allocated through the HMTF, the balance is rarely spent on operations and maintenance at West Coast ports, where a significant amount of the tax revenue is generated. Our two largest ports in Washington—Seattle and Tacoma—generate, on average, close to seven percent of the funding for the HMTF, but each received just over a penny for every dollar collected from shippers who pay the HMT in Seattle and Tacoma. We believe that we must work to address the issue of cargo diversion as well as ensure that the funds collected are allocated fully and more equitably to meet our nationwide harbor and waterway needs.

To remain competitive in an international marketplace, we need a long-term plan to grow and support infrastructure development, and reforming the Harbor Maintenance Tax is a commonsense place to start. That is why we are proud to introduce the Maritime Goods Movement Act for the 21st Century. The legislation addresses threats to America's maritime economy by repealing the Harbor Maintenance Tax and replacing it with the Maritime Goods Movement User Fee. The proceeds of which would be fully available to Congress to provide for port operation and maintenance. This would nearly double the amount of funds available for American ports, which will help our economy thrive.

The bill ensures that shippers cannot avoid the Maritime Goods Movement User Fee by using ports in Canada and Mexico.

The legislation sets aside a portion of the user fee for critical low-use ports that are at a competitive disadvantage for Federal funding compared to large ports.

Lastly, the bill creates a competitive grant program using a percentage of the proceeds of the user fee to help make improvements to the intermodal transportation system of the United States so that goods can more efficiently reach their intended destinations.

The HMT simply is not being collected or spent in a way that ensures American ports can continue to compete on a level playing field. Our legislation works to address these inequalities and enhance our economic competitiveness abroad while supporting good jobs here in the United States.

By Mr. COBURN (for himself, Mr. MANCHIN, Mr. GRASSLEY, Mr. JOHNSON of Wisconsin, Mr. PAUL, Ms. AYOTTE, Mr. CORNYN, Mr. CHAMBLISS, Mr. HELLER, Mrs. MCCASKILL, and Mr. WYDEN):

S. 1510. A bill to provide for auditable financial statements for the Department of Defense, and for other purposes; to the Committee on Armed Services.

Mr. COBURN. Mr. President, this bill, the Audit the Pentagon Act of 2013, sharpens the teeth of the appropriations and accountability clause in the Constitution, article I, section 9, clause 7, which says:

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

The intent of this clause is simple: Congress cannot possibly know that the executive branch is obeying the first part of the appropriations clause—spending—of the Constitution without confidence in the second—accountability. The decades-long failure by the Pentagon to comply with existing Federal financial management laws is against the very spirit of the Constitution—our Founding Fathers demanded that those spending taxpayer dollars are accountable to taxpayers.

The Pentagon's financial management problems are intimately related to the problems of waste at the Pentagon and the budget crisis that has created sequestration. Currently, neither Pentagon leaders, nor Congressional members can consistently and reliably identify what our defense programs cost, will cost in the future, or even what they really cost in the past. When the Pentagon doesn't know itself and can't tell Congress how it is spending money, good programs face cuts along with wasteful programs, which is the situation in which we find ourselves today under sequestration. Unreliable financial management information makes it impossible to link the consequences of past decisions to the defense budget or to measure whether the activities of the Defense Department are meeting the military requirements set for it. Passing a financial audit is a critical step that will protect vital priorities and help the Pentagon comply with current law and our Constitution.

The problem is clear: if the Pentagon doesn't know how it spends its money, Congress doesn't really know how DOD is spending its money. This incomprehensible condition has been documented in hundreds of reports over three decades from both the Government Accountability Office, GAO, and the Department's own inspector general (DOD IG).

Our current Secretary of Defense Chuck Hagel knows that this is a problem. In testimony to the Senate Armed Services Committee he said that the Pentagon needs "auditable statements, both to improve the quality of our financial information and to reassure the public, and the Congress, that we are good stewards of public funds." Secretary Hagel agrees that the Pentagon must audit the Pentagon and says, "Our next goal is audit-ready budget statements by the end of 2014 . . . I strongly support this initiative and will do everything I can to fulfill this commitment."

For far too long, Congress has abdicated its constitutional role and its duty to the taxpayers by choosing not to hold DOD accountable for the deadlines it sets for itself, and the result has been continued missed deadlines and wasteful, non-value added spending. Past efforts to make the Pentagon comply with the law by passing additional laws with no teeth has not worked—the Pentagon simply ignores the laws because it suffers no consequences. The result is that unlike every other major Federal department, the Pentagon continues to fail at their requirement and responsibility to report to Congress and the American people that it can show where the hundreds of billions of dollars of taxpayer money goes. I hope my fellow Senators will join me in supporting this bill for auditable financial statements.

By Mr. ROCKEFELLER (for himself and Mr. CASEY):

S. 1511. A bill to amend part E of title IV of the Social Security Act to remove barriers to the adoption of children in foster care through reauthorization and improvement of the adoption incentives program, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, throughout my career in the Senate, I have been proud to fight tirelessly for policies that will help vulnerable children in our foster care system find the permanent homes they need and deserve. I have been very proud of the Finance Committee's bipartisan work over the years to encourage adoption and enhance child welfare services for our most vulnerable children. That work would not have been possible without the commitment of Chairman BAUCUS, as well as my other colleagues that I have been so proud to work with over the years. Our goal has always been to improve our Federal laws related to adoption and foster care, so that every child has an opportunity to have a loving, safe home and a successful future.

To build on our history of encouraging safe and stable families, Senator CASEY and I are introducing the Removing Barriers to Adoption and Supporting Families Act of 2013. This legislation outlines our vision for a path to increase the number of successful adoptions from foster care in our country. Doing so, we believe, can improve the lives of the hundreds of thousands of children in our foster care system.

This legislation encourages safe and stable families, and takes a number of important steps forward to ensure that permanency is paramount for children in our foster care system.

First, the legislation puts incentives in place to help encourage interstate adoptions, creating a shared incentive for states that work together to connect children in foster care with families who are ready and willing to provide loving homes, but who happen to live across state lines. It also helps facilitate interstate adoptions further

through better data tracking and development of national standards for home studies, a requirement before a child can be adopted.

Second, the bill aims to establish permanency for youth by eliminating long-term foster care as a goal for children under 17. We also request a study to learn more about why long-term foster care has been set as a goal for some youth. We believe the study will further inform our overall goal of connecting these children to permanent families and caring adults. But, simply put, we believe permanent foster care should not be a goal for children who are younger than 17.

Third, this legislation dedicates funding to post-adoption and post-permanency support services for children who are adopted, or are permanently in the care of a relative or guardian. This is an important step to make sure that families receive support after a child becomes a family member and, more broadly, can help make sure more adoptions and permanent placements are successful. Additionally, the legislation requires states to engage in public-private partnerships and enhanced strategies to find more permanent placements for older youth who are most at risk of aging out of foster care. Among our foster care population, these are some of our most vulnerable and valuable young people who are most in need of guidance and a loving, nurturing home.

Finally, this legislation would do more to keep siblings together after they are removed from an unsafe home. The bond between siblings is unique and often an important source of stability for children. Unfortunately, once a child joins a permanent home through adoption, there are sometimes barriers to maintaining sibling relationships under current Federal law. Our legislation helps to remove these barriers by strengthening the opportunities for sibling relationships and joint placement, and making sure that the parents of siblings are given notice if their brother or sister enters foster care.

Our legislation lays out an important vision for how we can improve adoption and foster care in our country. Adoptions from foster care have increased in recent years, which means that more families are stepping up to adopt children who are in vulnerable situations through no fault of their own. But, we have far more to do to ensure that every child in foster care has this opportunity. I am extremely grateful to many of the adoption advocates, including the Congressional Coalition on Adoption Institute, Voice for Adoption, and Listening to Parents, among others, who have been so instrumental in developing recommendations and moving this and other related proposals forward.

Together, we can make great strides toward improving opportunities for the nearly 400,000 children in foster care, of which 102,000 are waiting to find for-

ever families through adoption. New data from the Department of Health and Human Services on adoption and foster care suggests that while the number of children in foster care remains steady, the adoption rate continues to climb. Last year alone, 52,000 children were adopted from foster care and for each of those children, being adopted is a positive, affirming, and life-changing event. Through our work, we can provide more of these opportunities for children in foster care, and set them up to have successful lives with forever families.

By Mr. McCONNELL:

S. 1514. A bill to save coal jobs, and for other purposes; read the first time. Mr. McCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Saving Coal Jobs Act of 2013”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROHIBITION ON ENERGY TAX
Sec. 101. Prohibition on energy tax.

TITLE II—PERMITS
Sec. 201. National pollutant discharge elimination system.
Sec. 202. Permits for dredged or fill material.

Sec. 203. Impacts of Environmental Protection Agency regulatory activity on employment and economic activity.

Sec. 204. Identification of waters protected by the Clean Water Act.

Sec. 205. Limitations on authority to modify State water quality standards.

Sec. 206. State authority to identify waters within boundaries of the State.

TITLE I—PROHIBITION ON ENERGY TAX **SEC. 101. PROHIBITION ON ENERGY TAX.**

(a) FINDINGS; PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) on June 25, 2013, President Obama issued a Presidential memorandum directing the Administrator of the Environmental Protection Agency to issue regulations relating to power sector carbon pollution standards for existing coal fired power plants;

(B) the issuance of that memorandum circumvents Congress and the will of the people of the United States;

(C) any action to control emissions of greenhouse gases from existing coal fired power plants in the United States by mandating a national energy tax would devastate major sectors of the economy, cost thousands of jobs, and increase energy costs for low-income households, small businesses, and seniors on fixed income;

(D) joblessness increases the likelihood of hospital visits, illnesses, and premature deaths;

(E) according to testimony on June 15, 2011, before the Committee on Environment and Public Works of the Senate by Dr. Harvey Brenner of Johns Hopkins University, “The unemployment rate is well established as a risk factor for elevated illness and mor-

tality rates in epidemiological studies performed since the early 1980s. In addition to influences on mental disorder, suicide and alcohol abuse and alcoholism, unemployment is also an important risk factor in cardiovascular disease and overall decreases in life expectancy.”;

(F) according to the National Center for Health Statistics, “children in poor families were four times as likely to be in fair or poor health as children that were not poor”;

(G) any major decision that would cost the economy of the United States millions of dollars and lead to serious negative health effects for the people of the United States should be debated and explicitly authorized by Congress, not approved by a Presidential memorandum or regulations; and

(H) any policy adopted by Congress should make United States energy as clean as practicable, as quickly as practicable, without increasing the cost of energy for struggling families, seniors, low-income households, and small businesses.

(2) PURPOSES.—The purposes of this section are—

(A) to ensure that—

(i) a national energy tax is not imposed on the economy of the United States; and

(ii) struggling families, seniors, low-income households, and small businesses do not experience skyrocketing electricity bills and joblessness;

(B) to protect the people of the United States, particularly families, seniors, and children, from the serious negative health effects of joblessness;

(C) to allow sufficient time for Congress to develop and authorize an appropriate mechanism to address the energy needs of the United States and the potential challenges posed by severe weather; and

(D) to restore the legislative process and congressional authority over the energy policy of the United States.

(b) PRESIDENTIAL MEMORANDUM.—Notwithstanding any other provision of law, the head of a Federal agency shall not promulgate any regulation relating to power sector carbon pollution standards or any substantially similar regulation on or after June 25, 2013, unless that regulation is explicitly authorized by an Act of Congress.

TITLE II—PERMITS

SEC. 201. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.

(a) APPLICABILITY OF GUIDANCE.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) APPLICABILITY OF GUIDANCE.—

“(1) DEFINITIONS.—In this subsection:

“(A) GUIDANCE.—

“(i) IN GENERAL.—The term ‘guidance’ means draft, interim, or final guidance issued by the Administrator.

“(ii) INCLUSIONS.—The term ‘guidance’ includes—

“(I) the comprehensive guidance issued by the Administrator and dated April 1, 2010;

“(II) the proposed guidance entitled ‘Draft Guidance on Identifying Waters Protected by the Clean Water Act’ and dated April 28, 2011;

“(III) the final guidance proposed by the Administrator and dated July 21, 2011; and

“(IV) any other document or paper issued by the Administrator through any process other than the notice and comment rule-making process.

“(B) NEW PERMIT.—The term ‘new permit’ means a permit covering discharges from a structure—

“(i) that is issued under this section by a permitting authority; and

“(ii) for which an application is—

“(I) pending as of the date of enactment of this subsection; or

“(II) filed on or after the date of enactment of this subsection.

“(C) PERMITTING AUTHORITY.—The term ‘permitting authority’ means—

“(i) the Administrator; or

“(ii) a State, acting pursuant to a State program that is equivalent to the program under this section and approved by the Administrator.

“(2) PERMITS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, in making a determination whether to approve a new permit or a renewed permit, the permitting authority—

“(i) shall base the determination only on compliance with regulations issued by the Administrator or the permitting authority; and

“(ii) shall not base the determination on the extent of adherence of the applicant for the new permit or renewed permit to guidance.

“(B) NEW PERMITS.—If the permitting authority does not approve or deny an application for a new permit by the date that is 270 days after the date of receipt of the application for the new permit, the applicant may operate as if the application were approved in accordance with Federal law for the period of time for which a permit from the same industry would be approved.

“(C) SUBSTANTIAL COMPLETENESS.—In determining whether an application for a new permit or a renewed permit received under this paragraph is substantially complete, the permitting authority shall use standards for determining substantial completeness of similar permits for similar facilities submitted in fiscal year 2007.”

(b) STATE PERMIT PROGRAMS.—

(1) IN GENERAL.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by striking subsection (b) and inserting the following:

“(b) STATE PERMIT PROGRAMS.—

“(1) IN GENERAL.—At any time after the promulgation of the guidelines required by section 304(a)(2), the Governor of each State desiring to administer a permit program for discharges into navigable waters within the jurisdiction of the State may submit to the Administrator—

“(A) a full and complete description of the program the State proposes to establish and administer under State law or under an interstate compact; and

“(B) a statement from the attorney general (or the attorney for those State water pollution control agencies that have independent legal counsel), or from the chief legal officer in the case of an interstate agency, that the laws of the State, or the interstate compact, as applicable, provide adequate authority to carry out the described program.

“(2) APPROVAL.—The Administrator shall approve each program for which a description is submitted under paragraph (1) unless the Administrator determines that adequate authority does not exist—

“(A) to issue permits that—

“(i) apply, and ensure compliance with, any applicable requirements of sections 301, 302, 306, 307, and 403;

“(ii) are for fixed terms not exceeding 5 years;

“(iii) can be terminated or modified for cause, including—

“(I) a violation of any condition of the permit;

“(II) obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and

“(III) a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; and

“(iv) control the disposal of pollutants into wells;

“(B)(i) to issue permits that apply, and ensure compliance with, all applicable requirements of section 308; or

“(ii) to inspect, monitor, enter, and require reports to at least the same extent as required in section 308;

“(C) to ensure that the public, and any other State the waters of which may be affected, receives notice of each application for a permit and an opportunity for a public hearing before a ruling on each application;

“(D) to ensure that the Administrator receives notice and a copy of each application for a permit;

“(E) to ensure that any State (other than the permitting State), whose waters may be affected by the issuance of a permit may submit written recommendations to the permitting State and the Administrator with respect to any permit application and, if any part of the written recommendations are not accepted by the permitting State, that the permitting State will notify the affected State and the Administrator in writing of the failure of the State to accept the recommendations, including the reasons for not accepting the recommendations;

“(F) to ensure that no permit will be issued if, in the judgment of the Secretary of the Army (acting through the Chief of Engineers), after consultation with the Secretary of the department in which the Coast Guard is operating, anchorage and navigation of any of the navigable waters would be substantially impaired by the issuance of the permit;

“(G) to abate violations of the permit or the permit program, including civil and criminal penalties and other means of enforcement;

“(H) to ensure that any permit for a discharge from a publicly owned treatment works includes conditions to require the identification in terms of character and volume of pollutants of any significant source introducing pollutants subject to pretreatment standards under section 307(b) into the treatment works and a program to ensure compliance with those pretreatment standards by each source, in addition to adequate notice, which shall include information on the quality and quantity of effluent to be introduced into the treatment works and any anticipated impact of the change in the quantity or quality of effluent to be discharged from the publicly owned treatment works, to the permitting agency of—

“(i) new introductions into the treatment works of pollutants from any source that would be a new source (as defined in section 306(a)) if the source were discharging pollutants;

“(ii) new introductions of pollutants into the treatment works from a source that would be subject to section 301 if the source were discharging those pollutants; or

“(iii) a substantial change in volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit; and

“(I) to ensure that any industrial user of any publicly owned treatment works will comply with sections 204(b), 307, and 308.

“(3) ADMINISTRATION.—Notwithstanding paragraph (2), the Administrator may not disapprove or withdraw approval of a program under this subsection on the basis of the following:

“(A) The failure of the program to incorporate or comply with guidance (as defined in subsection (s)(1)).

“(B) The implementation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).”

(2) CONFORMING AMENDMENTS.—

(A) Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended—

(i) in subsection (c)—

(I) in paragraph (1)(A), by striking “402(b)(8)” and inserting “402(b)(2)(H)”; and

(II) in paragraph (2)(A), by striking “402(b)(8)” and inserting “402(b)(2)(H)”; and

(ii) in subsection (d), in the first sentence, by striking “402(b)(8)” and inserting “402(b)(2)(H)”.

(B) Section 402(m) of the Federal Water Pollution Control Act (33 U.S.C. 1342(m)) is amended in the first sentence by striking “subsection (b)(8) of this section” and inserting “subsection (b)(2)(H)”.

(C) SUSPENSION OF FEDERAL PROGRAM.—Section 402(c) of the Federal Water Pollution Control Act (33 U.S.C. 1342(c)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

“(4) LIMITATION ON DISAPPROVAL.—Notwithstanding paragraphs (1) through (3), the Administrator may not disapprove or withdraw approval of a State program under subsection (b) on the basis of the failure of the following:

“(A) The failure of the program to incorporate or comply with guidance (as defined in subsection (s)(1)).

“(B) The implementation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).”

(d) NOTIFICATION OF ADMINISTRATOR.—Section 402(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1342(d)(2)) is amended—

(1) by striking “(2)” and all that follows through the end of the first sentence and inserting the following:

“(2) OBJECTION BY ADMINISTRATOR.—

“(A) IN GENERAL.—Subject to subparagraph (C), no permit shall issue if—

“(i) not later than 90 days after the date on which the Administrator receives notification under subsection (b)(2)(E), the Administrator objects in writing to the issuance of the permit; or

“(ii) not later than 90 days after the date on which the proposed permit of the State is transmitted to the Administrator, the Administrator objects in writing to the issuance of the permit as being outside the guidelines and requirements of this Act.”;

(2) in the second sentence, by striking “Whenever the Administrator” and inserting the following:

“(B) REQUIREMENTS.—If the Administrator”; and

(3) by adding at the end the following:

“(C) EXCEPTION.—The Administrator shall not object to or deny the issuance of a permit by a State under subsection (b) or (s) based on the following:

“(i) Guidance, as that term is defined in subsection (s)(1).

“(ii) The interpretation of the Administrator of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).”

SEC. 202. PERMITS FOR DREDGED OR FILL MATERIAL.

(a) IN GENERAL.—Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended—

(1) by striking the section heading and all that follows through “SEC. 404. (a) The Secretary may issue” and inserting the following:

“SEC. 404. PERMITS FOR DREDGED OR FILL MATERIAL.

“(a) PERMITS.—

“(1) IN GENERAL.—The Secretary may issue”; and

(2) in subsection (a), by adding at the end the following:

“(2) DEADLINE FOR APPROVAL.—

“(A) PERMIT APPLICATIONS.—

“(i) IN GENERAL.—Except as provided in clause (ii), if an environmental assessment or environmental impact statement, as appropriate, is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary shall—

“(I) begin the process not later than 90 days after the date on which the Secretary receives a permit application; and

“(II) approve or deny an application for a permit under this subsection not later than the latter of—

“(aa) if an agency carries out an environmental assessment that leads to a finding of no significant impact, the date on which the finding of no significant impact is issued; or

“(bb) if an agency carries out an environmental assessment that leads to a record of decision, 15 days after the date on which the record of decision on an environmental impact statement is issued.

“(ii) PROCESSES.—Notwithstanding clause (i), regardless of whether the Secretary has commenced an environmental assessment or environmental impact statement by the date described in clause (i)(I), the following deadlines shall apply:

“(I) An environmental assessment carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be completed not later than 1 year after the deadline for commencing the permit process under clause (i)(I).

“(II) An environmental impact statement carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be completed not later than 2 years after the deadline for commencing the permit process under clause (i)(I).

“(B) FAILURE TO ACT.—If the Secretary fails to act by the deadline specified in clause (i) or (ii) of subparagraph (A)—

“(i) the application, and the permit requested in the application, shall be considered to be approved;

“(ii) the Secretary shall issue a permit to the applicant; and

“(iii) the permit shall not be subject to judicial review.”

(b) STATE PERMITTING PROGRAMS.—Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by striking subsection (c) and inserting the following:

“(c) AUTHORITY OF ADMINISTRATOR.—

“(1) IN GENERAL.—Subject to paragraphs (2) through (4), until the Secretary has issued a permit under this section, the Administrator is authorized to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, and deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site, if the Administrator determines, after notice and opportunity for public hearings, that the discharge of the materials into the area will have an unacceptable adverse effect on municipal water supplies, shellfish beds or fishery areas (including spawning and breeding areas), wildlife, or recreational areas.

“(2) CONSULTATION.—Before making a determination under paragraph (1), the Administrator shall consult with the Secretary.

“(3) FINDINGS.—The Administrator shall set forth in writing and make public the findings of the Administrator and the reasons of the Administrator for making any determination under this subsection.

“(4) AUTHORITY OF STATE PERMITTING PROGRAMS.—This subsection shall not apply to any permit if the State in which the discharge originates or will originate does not concur with the determination of the Administrator that the discharge will result in an

unacceptable adverse effect as described in paragraph (1).”

(c) STATE PROGRAMS.—Section 404(g)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1344(g)(1)) is amended in the first sentence by striking “for the discharge” and inserting “for all or part of the discharges”.

SEC. 203. IMPACTS OF ENVIRONMENTAL PROTECTION AGENCY REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) COVERED ACTION.—The term “covered action” means any of the following actions taken by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.):

(A) Issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(3) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term “more than a de minimis negative impact” means the following:

(A) With respect to employment levels, a loss of more than 100 jobs, except that any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment may not be used in the job loss calculation.

(B) With respect to economic activity, a decrease in economic activity of more than \$1,000,000 over any calendar year, except that any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment may not be used in the economic activity calculation.

(b) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on employment levels and economic activity, including estimated job losses and decreased economic activity.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall use the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31st of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Environmental Protection Agency; and

(B) request that the Governor of any State experiencing more than a de minimis negative impact post the analysis in the Capitol of the State.

(c) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days prior to the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—

(A) IN GENERAL.—A public hearing required under paragraph (1) shall be held at a convenient time and location for impacted residents.

(B) PRIORITY.—In selecting a location for such a public hearing, the Administrator shall give priority to locations in the State

that will experience the greatest number of job losses.

(d) NOTIFICATION.—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in any State, the Administrator shall give notice of such impact to the congressional delegation, Governor, and legislature of the State at least 45 days before the effective date of the covered action.

SEC. 204. IDENTIFICATION OF WATERS PROTECTED BY THE CLEAN WATER ACT.

(a) IN GENERAL.—The Secretary of the Army and the Administrator of the Environmental Protection Agency may not—

(1) finalize, adopt, implement, administer, or enforce the proposed guidance described in the notice of availability and request for comments entitled “EPA and Army Corps of Engineers Guidance Regarding Identification of Waters Protected by the Clean Water Act” (EPA-HQ-OW-2011-0409) (76 Fed. Reg. 24479 (May 2, 2011)); and

(2) use the guidance described in paragraph (1), any successor document, or any substantially similar guidance made publicly available on or after December 3, 2008, as the basis for any decision regarding the scope of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or any rulemaking.

(b) RULES.—The use of the guidance described in subsection (a)(1), or any successor document or substantially similar guidance made publicly available on or after December 3, 2008, as the basis for any rule shall be grounds for vacating the rule.

SEC. 205. LIMITATIONS ON AUTHORITY TO MODIFY STATE WATER QUALITY STANDARDS.

(a) STATE WATER QUALITY STANDARDS.—Section 303(c)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by striking “(4) The” and inserting the following:

“(4) PROMULGATION OF REVISED OR NEW STANDARDS.—

“(A) IN GENERAL.—The”;

(3) by striking “The Administrator shall promulgate” and inserting the following:

“(B) DEADLINE.—The Administrator shall promulgate;” and

(4) by adding at the end the following:

“(C) STATE WATER QUALITY STANDARDS.—Notwithstanding any other provision of this paragraph, the Administrator may not promulgate a revised or new standard for a pollutant in any case in which the State has submitted to the Administrator and the Administrator has approved a water quality standard for that pollutant, unless the State concurs with the determination of the Administrator that the revised or new standard is necessary to meet the requirements of this Act.”

(b) FEDERAL LICENSES AND PERMITS.—Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C. 1341(a)) is amended by adding at the end the following:

“(7) STATE OR INTERSTATE AGENCY DETERMINATION.—With respect to any discharge, if a State or interstate agency having jurisdiction over the navigable waters at the point at which the discharge originates or will originate determines under paragraph (1) that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307, the Administrator may not take any action to supersede the determination.”

SEC. 206. STATE AUTHORITY TO IDENTIFY WATERS WITHIN BOUNDARIES OF THE STATE.

Section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)) is amended by striking paragraph (2) and inserting the following:

“(2) STATE AUTHORITY TO IDENTIFY WATERS WITHIN BOUNDARIES OF THE STATE.—

“(A) IN GENERAL.—Each State shall submit to the Administrator from time to time, with the first such submission not later than 180 days after the date of publication of the first identification of pollutants under section 304(a)(2)(D), the waters identified and the loads established under subparagraphs (A), (B), (C), and (D) of paragraph (1).

“(B) APPROVAL OR DISAPPROVAL BY ADMINISTRATOR.—

“(i) IN GENERAL.—Not later than 30 days after the date of submission, the Administrator shall approve the State identification and load or announce the disagreement of the Administrator with the State identification and load.

“(ii) APPROVAL.—If the Administrator approves the identification and load submitted by the State under this subsection, the State shall incorporate the identification and load into the current plan of the State under subsection (e).

“(iii) DISAPPROVAL.—If the Administrator announces the disagreement of the Administrator with the identification and load submitted by the State under this subsection, the Administrator shall submit, not later than 30 days after the date that the Administrator announces the disagreement of the Administrator with the submission of the State, to the State the written recommendation of the Administrator of those additional waters that the Administrator identifies and such loads for such waters as the Administrator believes are necessary to implement the water quality standards applicable to the waters.

“(C) ACTION BY STATE.—Not later than 30 days after receipt of the recommendation of the Administrator, the State shall—

“(i) disregard the recommendation of the Administrator in full and incorporate its own identification and load into the current plan of the State under subsection (e);

“(ii) accept the recommendation of the Administrator in full and incorporate its identification and load as amended by the recommendation of the Administrator into the current plan of the State under subsection (e); or

“(iii) accept the recommendation of the Administrator in part, identifying certain additional waters and certain additional loads proposed by the Administrator to be added to the State's identification and load and incorporate the State's identification and load as amended into the current plan of the State under subsection (e).

“(D) NONCOMPLIANCE BY ADMINISTRATOR.—

“(i) IN GENERAL.—If the Administrator fails to approve the State identification and load or announce the disagreement of the Administrator with the State identification and load within the time specified in this subsection—

“(I) the identification and load of the State shall be considered approved; and

“(II) the State shall incorporate the identification and load that the State submitted into the current plan of the State under subsection (e).

“(ii) RECOMMENDATIONS NOT SUBMITTED.—If the Administrator announces the disagreement of the Administrator with the identification and load of the State but fails to submit the written recommendation of the Administrator to the State within 30 days as required by subparagraph (B)(iii)—

“(I) the identification and load of the State shall be considered approved; and

“(II) the State shall incorporate the identification and load that the State submitted into the current plan of the State under subsection (e).

“(E) APPLICATION.—This section shall apply to any decision made by the Administrator under this subsection issued on or after March 1, 2013.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 227—TO COMMEMORATE THE 70TH ANNIVERSARY OF THE HEROIC RESCUE OF DANISH JEWS DURING THE SECOND WORLD WAR BY THE DANISH PEOPLE

Mr. MENENDEZ submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 227

Whereas, in the fall of 1943, the Nazis occupied Denmark and issued orders that the Danes deport all Danish Jews to concentration camps where the Jews would eventually be exterminated;

Whereas the Danish people, as a result of the Nazi mandate, refused to accept the prosecution of the Jews and began a mission of mercy on October 1, 1943, smuggling Jews across the Oresund Strait to neutral Sweden via small boats and fishing cutters;

Whereas the Danish rescuers unselfishly risked their own lives, avoiding German patrols for weeks during the rescue operations;

Whereas approximately 90 percent of the Danish Jews were saved from certain death at the hands of the Nazis by the sheer courage and compassion demonstrated by the Danes; and

Whereas it is imperative that future generations continue to remember and understand what happened so that the horrors of the Holocaust will never be repeated: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commemorates the bravery and valor of those Danes who participated in the 1943 rescue operations that saved the lives of 7,300 Jews who would otherwise have perished in Nazi concentration camps; and

(2) declares that the world owes a great debt to these Danes who did not turn a blind eye on the dangers that faced Jews under Nazi occupation and continue to serve as inspiration to others in times of difficulties and challenges.

SENATE RESOLUTION 228—AUTHORIZING THE REPORTING OF COMMITTEE FUNDING RESOLUTIONS FOR THE PERIOD OCTOBER 1, 2013, THROUGH FEBRUARY 28, 2015

Mr. SCHUMER submitted the following resolution; from the Committee on Rules and Administration; which was placed on the calendar:

S. RES. 228

Resolved, That notwithstanding paragraph 9 of rule XXVI of the Standing Rules of the Senate—

(1) not later than September 20, 2013, each committee shall report 1 resolution authorizing the committee to make expenditures out of the contingent fund of the Senate to

defray its expenses, including the compensation of members of its staff, for the period October 1, 2013 through February 28, 2015; and

(2) the Committee on Rules and Administration may report 1 authorization resolution containing more than 1 committee authorization resolution for the period October 1, 2013 through February 28, 2015.

SENATE RESOLUTION 229—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER submitted the following resolution; from the Committee on Rules and Administration; which was placed on the calendar:

S. RES. 229

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from October 1, 2013, through September 30, 2014 and October 1, 2014, through February 28, 2015, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period October 1, 2013, through September 30, 2014, under this resolution shall not exceed \$2,334,743, of which amount (1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed \$12,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

(b) For the period October 1, 2014, through February 28, 2015, expenses of the committee under this resolution shall not exceed \$972,810, of which amount (1) not to exceed \$31,250 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed \$5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2015.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for