

**AMENDMENT TO THE COMMITTEE PRINT
FOR H.R. 1732
OFFERED BY MR. KILDEE OF MICHIGAN**

At the end of the bill, add the following:

1 **SEC. 4. EFFECT ON STATE PERMIT PROGRAMS.**

2 (a) IN GENERAL.—If the Administrator of the Envi-
3 ronmental Protection Agency, based on the proposed rule
4 developed under section 3, issues a final rule to define the
5 term “waters of the United States” as used in the Federal
6 Water Pollution Control Act (33 U.S.C. 1251 et seq.), the
7 Administrator shall—

8 (1) not later than 90 days after the date of
9 issuance of the final rule, review each permit pro-
10 gram being administered by a State under section
11 402, 404, or 405 of that Act (33 U.S.C. 1342,
12 1344, or 1345) to determine whether the permit
13 program complies with the terms of the final rule;
14 and

15 (2) not later than 10 days after the date of
16 completion of the review, notify the State of—

17 (A) the Administrator’s determination
18 under paragraph (1); and

1 (B) in any case in which the Administrator
2 determines that a permit program does not
3 comply with the final rule, the actions required
4 to bring the permit program into compliance.

5 (b) COMPLIANCE PERIOD.—During the 2-year period
6 beginning on the date on which the Administrator provides
7 notice to a State under subsection (a)(2), the Adminis-
8 trator may not withdraw approval of a State permit pro-
9 gram referred to in subsection (a)(1) on the basis that
10 the permit program does not comply with the terms of
11 a final rule described in subsection (a).

12 (c) LIMITATION ON STATUTORY CONSTRUCTION.—
13 Nothing in this section may be construed to limit or other-
14 wise affect the authority of the Administrator under the
15 Federal Water Pollution Control Act or any other provi-
16 sion of law—

17 (1) to withdraw approval of a State permit pro-
18 gram referred to in subsection (a)(1), except as spe-
19 cifically prohibited by subsection (b); or

20 (2) to disapprove a proposed permit under a
21 State permit program referred to in subsection (a).

