

112TH CONGRESS
2D SESSION

H. R. 4965

To preserve existing rights and responsibilities with respect to waters of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2012

Mr. MICA (for himself, Mr. RAHALL, Mr. LUCAS, Mr. PETERSON, Mr. GIBBS, and Mrs. NOEM) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To preserve existing rights and responsibilities with respect to waters of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. IDENTIFICATION OF WATERS PROTECTED BY**
4 **THE CLEAN WATER ACT.**

5 (a) IN GENERAL.—The Secretary of the Army and
6 the Administrator of the Environmental Protection Agen-
7 cy are prohibited from—

8 (1) finalizing, adopting, implementing, admin-
9 istering, or enforcing the proposed guidance de-
10 scribed in the notice of availability and request for

1 comments entitled “EPA and Army Corps of Engi-
2 neers Guidance Regarding Identification of Waters
3 Protected by the Clean Water Act” (EPA–HQ–OW–
4 2011–0409) (76 Fed. Reg. 24479 (May 2, 2011));
5 and

6 (2) using the guidance described in paragraph
7 (1), or any substantially similar guidance, as the
8 basis for any decision regarding the scope of the
9 Federal Water Pollution Control Act (33 U.S.C.
10 1251 et seq.) or any rulemaking.

11 (b) RULES.—The use of the guidance described in
12 subsection (a)(1), or any substantially similar guidance,
13 as the basis for any rule shall be grounds for vacating
14 the rule.

○

AMENDMENT TO H.R. 4965
OFFERED BY MR. GIBBS OF OHIO

Page 2, line 7, strike “or any substantially similar guidance” and insert “any successor document, or any substantially similar guidance made publicly available on or after December 3, 2008”.

Page 2, line 12, strike “or any substantially similar guidance” and insert “or any successor document or substantially similar guidance made publicly available on or after December 3, 2008”.

