

John Barrasso
S.L.C.
MM
MC
6/6/12
3:30pm

AMENDMENT NO. _____ Calendar No. _____

Purpose: To preserve existing rights and responsibilities with respect to waters of the United States.

IN THE SENATE OF THE UNITED STATES—112th Cong., 2d Sess.

S. 3240

AMENDMENT NO 2165

2017, and for

By Barrasso- Others

_____ and

To: _____

S. 3240

printed

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Page(s)

BARRASSO (for Mr. BOOZMAN)

himself, Mr. INHOFE, Mr. SESSIONS, Mr. HELLER, and Mr. VITTER)

Viz:

- 1 On page 1009, after line 11, add the following:
- 2 **SEC. 12207. IDENTIFICATION OF WATERS PROTECTED BY**
- 3 **THE CLEAN WATER ACT.**
- 4 (a) IN GENERAL.—Neither the Secretary of the Army
- 5 nor the Administrator of the Environmental Protection
- 6 Agency shall—
- 7 (1) finalize the proposed guidance described in
- 8 the notice of availability and request for comments
- 9 entitled “EPA and Army Corps of Engineers Guid-
- 10 ance Regarding Identification of Waters Protected

1 by the Clean Water Act” (EPA-HQ-OW-2011-
2 0409) (76 Fed. Reg. 24479 (May 2, 2011)); or

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

8 (b) RULES.—The use of the guidance described in
9 subsection (a)(1), or any substantially similar guidance,
10 as the basis for any rule shall be grounds for vacation
11 of the rule.