

112TH CONGRESS
2D SESSION

S. 2245

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

IN THE SENATE OF THE UNITED STATES

MARCH 28, 2012

Mr. BARRASSO (for himself, Mr. INHOFE, Mr. SESSIONS, Mr. HELLER, Mr. VITTER, Mr. BOOZMAN, Mr. CRAPO, Mr. MCCONNELL, Mr. ROBERTS, Mr. WICKER, Mr. RISCH, Mr. GRASSLEY, Mr. CORNYN, Mr. COBURN, Mr. THUNE, Mr. LUGAR, Mr. BLUNT, Mr. RUBIO, Mr. ENZI, Mr. KYL, Mr. TOOMEY, Mr. COATS, Mr. PAUL, Mr. JOHANNNS, Mr. CHAMBLISS, Mr. HOEVEN, Mr. MORAN, Mr. ISAKSON, Mr. JOHNSON of Wisconsin, and Mr. COCHRAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

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

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. SHORT TITLE.**

4 This Act may be cited as the “Preserve the Waters
5 of the United States Act”.

1 **SEC. 2. IDENTIFICATION OF WATERS PROTECTED BY THE**
2 **CLEAN WATER ACT.**

3 (a) IN GENERAL.—Neither the Secretary of the Army
4 nor the Administrator of the Environmental Protection
5 Agency shall—

6 (1) finalize the proposed guidance described in
7 the notice of availability and request for comments
8 entitled “EPA and Army Corps of Engineers Guid-
9 ance Regarding Identification of Waters Protected
10 by the Clean Water Act” (EPA–HQ–OW–2011–
11 0409) (76 Fed. Reg. 24479 (May 2, 2011)); or

12 (2) use the guidance described in paragraph
13 (1), or any substantially similar guidance, as the
14 basis for any decision regarding the scope of the
15 Federal Water Pollution Control Act (33 U.S.C.
16 1251 et seq.) or any rulemaking.

17 (b) RULES.—The use of the guidance described in
18 subsection (a)(1), or any substantially similar guidance,
19 as the basis for any rule shall be grounds for vacation
20 of the rule.

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