

(Original Signature of Member)

112TH CONGRESS
2D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

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

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,*

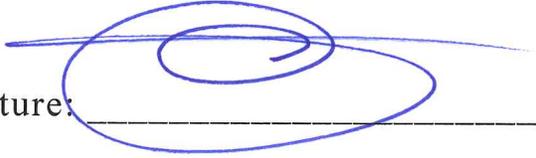
3 **SECTION 1. IDENTIFICATION OF WATERS PROTECTED BY**
4 **THE CLEAN WATER ACT.**

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

1 (1) finalizing, adopting, implementing, admin-
2 istering, or enforcing the proposed guidance de-
3 scribed in the notice of availability and request for
4 comments entitled “EPA and Army Corps of Engi-
5 neers Guidance Regarding Identification of Waters
6 Protected by the Clean Water Act” (EPA–HQ–OW–
7 2011–0409) (76 Fed. Reg. 24479 (May 2, 2011));
8 and

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

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

_____ Member's signature: 
(H. R. #/H. J. Res. #) Member's name (printed): _____

CONSTITUTIONAL AUTHORITY STATEMENT

To accompany:

*A BILL TO PRESERVE EXISTING RIGHTS AND RESPONSIBILITIES
WITH RESPECT TO WATERS OF THE UNITED STATES, AND FOR OTHER PURPOSES*

Pursuant to clause 7 of Rule XII of the Rules of the House of Representatives, the following statement is submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 3 (related to regulation of Commerce among the several States).