

*John Barrasso*

112TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

IN THE SENATE OF THE UNITED STATES

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. JOHANNIS, Mr. CHAMBLISS, and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

*Mr. Moran, Mr. Isakson,  
Mr. Johnson of Wisconsin,  
and Mr. Cochran.*

**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.