

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE EDWARDS OF MARYLAND OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE COMMITTEE PRINT  
FOR H.R. 1732  
OFFERED BY MS. EDWARDS OF MARYLAND**

Strike sections 2 and 3 and insert the following:

1 **SEC. 2. LIMITATION.**

2 The Secretary of the Army and the Administrator of  
3 the Environmental Protection Agency are prohibited from  
4 implementing any final rule that is based on the proposed  
5 rule described in the notice of proposed rule published in  
6 the Federal Register entitled “Definition of ‘Waters of the  
7 United States’ Under the Clean Water Act” (79 Fed. Reg.  
8 22188 (April 21, 2014)) if such final rule—

9 (1) expands the scope of the Federal Water  
10 Pollution Control Act (33 U.S.C. 1251 et seq.) be-  
11 yond those waterbodies covered prior to the decisions  
12 of the United States Supreme Court in *Solid Waste  
13 Agency of Northern Cook County v. United States  
14 Army Corps of Engineers*, 531 U.S. 159 (2001), and  
15 *Rapanos v. United States*, 547 U.S. 715 (2006);

16 (2) is inconsistent with the judicial opinions of  
17 Justice Scalia or Justice Kennedy in *Rapanos v.  
18 United States*;

1 (3) authorizes Federal Water Pollution Control  
2 Act jurisdiction over a waterbody based solely on the  
3 presence of migratory birds on such waterbody;

4 (4) increases the regulation of ditches, including  
5 roadside ditches, when compared to existing Federal  
6 Water Pollution Control Act regulations or guidance;

7 (5) increases the scope of the Federal Water  
8 Pollution Control Act with respect to municipal sep-  
9 arate sanitary sewer systems, water supply canals,  
10 or other water delivery systems;

11 (6) eliminates historical statutory or regulatory  
12 exemptions for agriculture, silviculture, or ranching;

13 (7) increases the scope of the Federal Water  
14 Pollution Control Act with respect to groundwater or  
15 water reuse or recycling projects;

16 (8) requires Federal Water Pollution Control  
17 Act regulation of erosional features;

18 (9) requires Federal Water Pollution Control  
19 Act permits for land-use activities;

20 (10) requires Federal Water Pollution Control  
21 Act regulation of artificial farm and stock ponds,  
22 puddles, water on driveways, birdbaths, or play-  
23 grounds;

24 (11) is inconsistent with the latest peer-re-  
25 viewed scientific studies;

1           (12) was promulgated without consulting with  
2           State and local governmental entities; or  
3           (13) was promulgated without public notice or  
4           comment.

