

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
BISHOP OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 5078, AS REPORTED
OFFERED BY MR. BISHOP OF NEW YORK**

Beginning on page 3, strike line 7 and all that follows through page 4, line 20, and insert the following:

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

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

15 (2) is inconsistent with the judicial opinions of
16 Justice Scalia or Justice Kennedy in the *Rapanos*
17 decision;

1 (3) increases the regulation of ditches when
2 compared to existing Federal Water Pollution Con-
3 trol Act regulations or guidance;

4 (4) eliminates historical statutory or regulatory
5 exemptions for agriculture;

6 (5) increases the scope of the Federal Water
7 Pollution Control Act with respect to groundwater;

8 (6) requires Federal Water Pollution Control
9 Act regulation of erosional features;

10 (7) requires Federal Water Pollution Control
11 Act permits for land-use activities;

12 (8) requires Federal Water Pollution Control
13 Act regulation of farm ponds, puddles, water on
14 driveways, birdbaths, or playgrounds;

15 (9) is inconsistent with the latest peer-reviewed
16 studies; or

17 (10) was promulgated without public notice or
18 comment.

