

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To prohibit the use of funds by the Corps of Engineers to develop, adopt, implement, administer, or enforce a change or supplement to a certain rule and guidance.

**IN THE SENATE OF THE UNITED STATES—112th Cong., 1st Sess.**

**H. R. 2354**

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BARRASSO (for himself and Mr. HELLER)

Viz:

1       On page 88, between lines 18 and 19, insert the fol-  
2       lowing:  
3       SEC. 1 \_\_\_\_\_. None of the funds made available by this  
4       or any other Act making funds available for energy and  
5       water development may be used by the Corps of Engineers  
6       to develop, adopt, implement, administer, or enforce a  
7       change or supplement to the rule entitled “Final Rule for  
8       Regulatory Programs of the Corps of Engineers” (51 Fed.  
9       Reg. 41206 (November 13, 1986)) (as in effect on the  
10      date of enactment of this Act), or to the guidance docu-

1 ments entitled “Advance Notice of Proposed Rulemaking  
2 on the Clean Water Act Regulatory Definition of ‘Waters  
3 of the United States’” (68 Fed. Reg. 1991 (January 15,  
4 2003)), and “Clean Water Act Jurisdiction Following the  
5 U.S. Supreme Court’s Decision in ‘Rapanos v. United  
6 States & Carabell v. United States’” (December 2, 2008)  
7 (as in effect on that date of enactment), relating to the  
8 definition of waters under the jurisdiction of the Federal  
9 Water Pollution Control Act (33 U.S.C. 1251 et seq.).