

**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.

