



# LEGISLATIVE ALERT

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## PRA SUPPORTS THE BARRASSO-HELLER AMENDMENT (#939) TO THE ENERGY AND WATER MINIBUS

**This Amendment would prevent the U.S. Army Corps of Engineers from overstepping its intended bounds under the Clean Water Act and usurping the rights of property owners.**

The recent "Clean Water Protection Guidance" issued by the Environmental Protection Agency expands the jurisdiction of the U.S. Army Corps of Engineers too far. This expansion could place all navigable waters as well as all interstate, intrastate and even non-navigable waters under the control of the Corps. **The Barrasso-Heller Amendment prevents this expansion, protecting property owners from this federal "land grab" and respecting their property rights.**

The expanded jurisdiction will create a tremendous amount of uncertainty for homeowners, as it increases the already excessive power given to the government under the Clean Water Act. Without this Amendment, landowners will be at a greater risk of fines, regulations and in some cases, the loss of their land altogether.

This uncertainty has been limited in the past by two U.S. Supreme Court cases which clarified the scope of federal jurisdiction over wetlands and other "waters of the United States" under the Clean Water Act. The *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* (2001) and *Rapanos v. U.S.* (2006) have significantly reduced the potential for abuse under the Clean Water Act, by limiting the previously broad definition of navigable water.

Unfortunately, the new Guidance seeks to subvert the court's ruling, ceding power back to the federal government from the landowner. **The Barrasso-Heller Amendment prevents this expansion of government power by clearly defining and limiting the waterways which the federal government can regulate.**

**Property Rights Alliance urges all members to support the Barrasso-Heller Amendment #939.**