

Congress of the United States
Washington, DC 20515

March 29, 2017

The Honorable Ken Calvert
Chairman
Committee on Appropriations
Subcommittee on Interior,
Environment, and Related Agencies
U.S. House of Representatives
2007 Rayburn HOB
Washington, DC 20515

The Honorable Betty McCollum
Ranking Member
Committee on Appropriations
Subcommittee on Interior,
Environment, and Related Agencies
U.S. House of Representatives
1016 Longworth HOB
Washington, DC 20515

Dear Chairman Calvert and Ranking Member McCollum:

We write to urge you to include language in the upcoming Interior, Environment, and Related Agencies Appropriations Act for Fiscal Year 2018 that would prohibit the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE) from using appropriated funds to implement the “Waters of the United States” (WOTUS), or any substantially similar rule or guidance under the Clean Water Act (CWA).

As you well know, the final adoption of the flawed WOTUS rule by the EPA and USACE would have disastrous effects on agriculture, small business and municipalities across the country. The language of the rule is drafted so vaguely that it encompasses nearly all water sources with any hydrologic connection to downstream navigable waters, including ditches, pipes, farmland ponds, groundwater, as well as other waters traditionally regulated by the state.

This proposal runs contrary to Supreme Court decisions as well as state and tribal water laws. If implemented, this water grab would constitute an unlawful expansion of federal authority under the CWA. More than 200 different stakeholders throughout the nation have raised serious concerns and issued public statements in opposition to WOTUS.

WOTUS was slated to go into effect August 28, 2015. Fortunately, the Sixth Circuit issued a nationwide stay and temporarily blocked implementation of this new rule. Further encouraging, President Trump signed an Executive Order instructing EPA Administrator Scott Pruitt to review the rule and revise all aspects inconsistent with federal law and a ruling by the Supreme Court.


While we have great confidence in President Trump and Administrator Pruitt, the review required by the order will take time and there could be subsequent legal proceedings. Accordingly, Congress must once again take a clear position against WOTUS and prohibit the EPA and USACE from using appropriated funds for WOTUS or any future substantially similar rule.

Section 427 of the engrossed version of the FY 2017 Interior, Environment and Related Agencies Appropriations bill contained language that aimed to block this rule.

Accordingly, we ask that you include language similar to the following again this fiscal year:


"SEC. ___. None of the funds made available in this Act may be used to implement or enforce any aspect of the final rule entitled "Clean Water Rule: Definition of 'Waters of the United States" published by the Environmental Protection Agency on June 29, 2015 (80 Fed. Reg. 37054), that is inconsistent with federal law and the term 'navigable waters,' as defined in section 502(7) of the Federal Water Pollution Control Act (33 U.S.C. 1362(7)), in a manner consistent with the opinion of United States Supreme Court Justice Antonin Scalia in Rapanos v. United States, 547 U.S. 715 (2006).

We thank you for your thoughtful consideration of this request, and for your continued leadership on your committees.

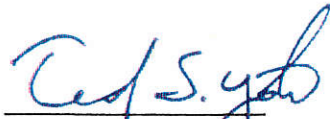


Paul A. Gosar, D.D.S. A2-04


Sincerely,



Roger Marshall
Member of Congress



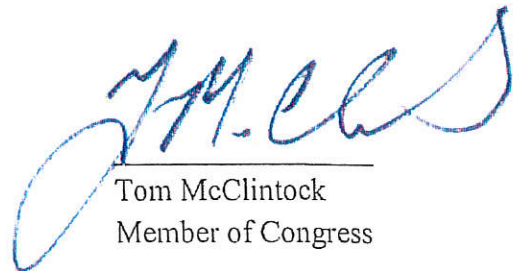
Ted S. Yoho D.V.M.
Member of Congress



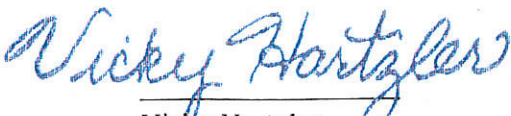
Duncan Hunter
Member of Congress



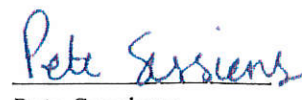
Don Young
Member of Congress



Tom McClintock
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Vicky Hartzler
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Pete Sessions
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Kevin Cramer
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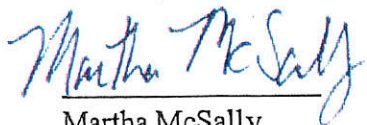
Randy Weber
Member of Congress



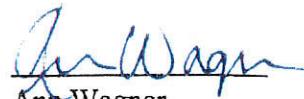
Jason Smith
Member of Congress



Steve Pearce
Member of Congress



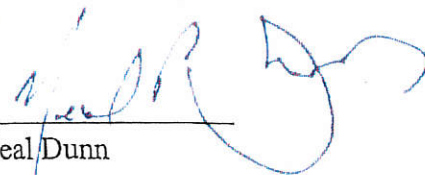
Martha McSally
Member of Congress



Ann Wagner
Member of Congress



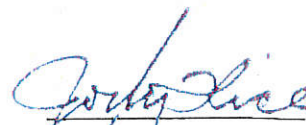
Richard Hudson
Member of Congress



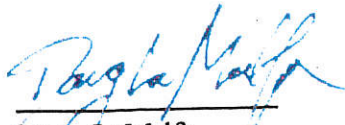
Neal Dunn
Member of Congress



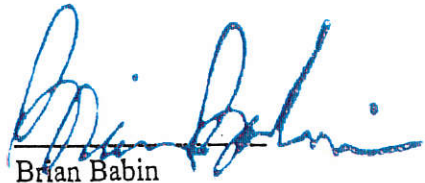
John Ratcliffe
Member of Congress



Jody Hice
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