

Congress of the United States
House of Representatives
Washington, DC 20515

October 1, 2024

The Honorable Arati Prabhakar, PhD.
Director, White House Office of Science and Technology Policy and Assistant to the President
for Science and Technology
1650 Pennsylvania Avenue, N.W.
Washington, D.C. 20502

Dr. Prabhakar:

We write in response to the President’s Council of Advisors on Science and Technology’s (PCAST) request for “Public Input on America’s Groundwater Challenges” and apparent ongoing efforts by the Biden Administration to produce a report relating to federal recommendations on groundwater.¹ Your prompt attention to this matter is appreciated.

It is not the role of the Federal government to manage or regulate groundwater. States, Tribes, and local governments have been effectively managing groundwater and water supply for decades without federal intervention. Examples of this include, but are not limited to, state and regional water plans, regulation and certification of water well drilling, and drought prevention. These non-Federal entities are the primary managers of groundwater and have deep experience in managing groundwater resources in their states and communities. A working group established by PCAST signals that President Biden and his advisors believe the Federal government should be more involved in the regulation of groundwater. As Members of Congress who represent rural and western districts, we staunchly oppose this effort to impede state, local, and Tribal regulatory authority.

Unfortunately, many impacted stakeholders and elected officials from the rural and western United States who deal directly with groundwater issues were not aware of the efforts by PCAST and the working group to examine groundwater challenges in advance of the initiative’s announcement. OSTP’s mission statement emphasizes engaging with state governments, but feedback from some rural and western states indicates a significant shortfall in actual engagement. This neglect suggests that the OSTP may be relying more on partners who align with their predetermined outcomes, rather than fostering genuine, diverse state-level collaboration.

Further, there appears to be a lack of coordination between OSTP, PCAST, and other federal agencies and departments, including the U.S. Environmental Protection Agency (EPA), the U.S. Department of the Interior (DOI), the U.S. Department of Agriculture (USDA), and others. It

¹ The White House, President’s Council of Advisors on Science and Technology, Blog Post: “PCAST Welcomes Public Input on America’s Groundwater Challenges” (April 25, 2024), *available at* <https://www.whitehouse.gov/pcast/briefing-room/2024/04/25/pcast-welcomes-public-input-on-americas-groundwater-challenges/>.

appears that many of the issues the OSTP is addressing are already being studied through the National Integrated Drought Information System, the U.S. Geological Survey (USGS), EPA's Water Reuse Action Plan, and other entities and initiatives.

PCAST's website-based announcement dated April 25, 2024, invites "written submissions from the public regarding any of the issues or questions highlighted here, or addressing complementary issues that you think PCAST should consider," which raises questions why this was not published in the Federal Register as a formal Request for Information.

With these concerns in mind, we request your responses to the questions and requests below no later than **October 22, 2024**.

- What statutory authority did Congress grant the Executive Branch to establish a working group or produce a report highlighting issues with groundwater?
- What is the cost to taxpayers to support the PCAST Groundwater Working Group, including all costs of the Tempe, Arizona in person meeting, and production of this report?
- What are the foreseeable next steps based on the findings of this report?
- Why did PCAST request "ideas" relating to groundwater challenges be sent to an eop.gov email address rather than a formal Request for Information published in the Federal Register?
- How has OSTP engaged with the Water Sub-Cabinet on this effort and related initiatives?
- Make public all comments and input received in relation to the announcement from April 25, 2024.
- Detail any OSTP or PCAST engagements related to this effort with EPA, DOIA, USDA, USGS, and any other federal agencies or entities that are involved in the management of water resources.
- Explain how this effort is not duplicative of the work of other federal agencies, departments, working groups, Federal Advisory Committees, and other entities.

Sincerely,



Dan Newhouse
Member of Congress



Jake Ellzey
Member of Congress



Michael K. Simpson
Member of Congress



Russ Fulcher
Member of Congress



Cliff Bentz
Member of Congress
Chairman, Subcommittee on
Water, Wildlife and Fisheries



Andy Biggs
Member of Congress