Congress of the United States
Washington, DC 20515

March 18, 2015

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

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

The Honorable Mike Simpson
Chairman
Subcommittee on Energy and Water Development
House Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

The Honorable Marcy Kaptur
Ranking Member
Subcommittee on Energy and Water Development
House Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Chairmen Calvert and Simpson and Ranking Members McCollum and Kaptur:

We write to urge you to include language in the upcoming Interior, Environment, and Related Agencies Appropriations Act for Fiscal Year 2016 and the Energy and Water Development and Related Agencies Appropriations Act for Fiscal Year 2016 which would prohibit the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE) from using appropriated funds for the "Waters of the United States" (WOTUS) proposed rule, or any substantially similar rule or guidance under the Clean Water Act (CWA).

Adoption of the currently 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 proposed 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. Currently, there are 170 bipartisan cosponsors of legislation to roll back this rule. Furthermore, more than 200 different stakeholders throughout the nation have raised serious concerns and issued public statements in opposition to WOTUS.

It is imperative that Congress act now to prevent further implementation of this terrible proposal

PRINTED ON RECYCLED PAPER

and prohibit the EPA and USACE from using appropriated funds for WOTUS or any substantially similar rule.

Accordingly, we ask that you include language similar to the following in the respective Appropriations Acts:

> *"None of the funds in this Act may be used to develop, finalize, adopt, implement, apply, administer, or enforce--*
> *the proposed rule described in the notice of proposed rule published in the Federal Register entitled `Definition of `Waters of the United States' Under the Clean Water Act' (79 Fed. Reg. 22188 (April 21, 2014)); or the proposed guidance submitted to the Office of Information and Regulatory Affairs of the Office of Management and Budget for regulatory review under Executive Order 12866, entitled `Guidance on Identifying Waters Protected By the Clean Water Act' and dated February 17, 2012 (referred to as `Clean Water Protection Guidance', Regulatory Identifier Number (RIN) 2040-ZA11, received February 21, 2012); or any successor document, or any substantially similar proposed rule or guidance, as the basis for any rulemaking or decision regarding the scope or enforcement of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.)"*

We ask that you to consider the effects that this rule, as currently being implemented, would have on important sectors of our economy, and we urge you to include prohibiting language in the upcoming Interior, Environment, and Related Agencies Appropriations Act for Fiscal Year 2016 and the Energy and Water Development and Related Agencies Appropriations Act for Fiscal Year 2016.

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

Sincerely,

Rod L. Blum
Member of Congress

Paul A. Gosar, D.D.S.
Member of Congress

Ted S. Yoho, DVM
Member of Congress

Collin C. Peterson
Member of Congress

Ralph Abraham, M.D.
Member of Congress

Justin Amash
Member of Congress

Brian Babin
Member of Congress

Andy Barr
Member of Congress

Joe Barton
Member of Congress

Dan Benishek M.D.
Member of Congress

Mike Bost
Member of Congress

Charles W. Boustany, Jr., M.D.
Member of Congress

Mo Brooks
Member of Congress

Ken Buck
Member of Congress

Bradley Byrne
Member of Congress

Steve Chabot
Member of Congress

Chris Collins
Member of Congress

Doug Collins
Member of Congress

K. Michael Conaway
Member of Congress

Kevin Cramer
Member of Congress

Rick Crawford
Member of Congress

Rodney Davis
Member of Congress

Jeff Denham
Member of Congress

Ron DeSantis
Member of Congress

Sean P. Duffy
Member of Congress

Jeff Duncan
Member of Congress

Tom Emmer
Member of Congress

John Fleming, M.D.
Member of Congress

Bill Flores
Member of Congress

J. Randy Forbes
Member of Congress

Trent Franks
Member of Congress

Chris Gibson
Member of Congress

Louie Gohmert
Member of Congress

Bob Goodlatte
Member of Congress

Sam Graves
Member of Congress

Glenn Grothman
Member of Congress

Frank Guinta
Member of Congress

Cresent Hardy
Member of Congress

Gregg Harper
Member of Congress

Vicky Hartzler
Member of Congress

Joe Heck
Member of Congress

Jeb Hensarling
Member of Congress

French Hill
Member of Congress

Richard Hudson
Member of Congress

Tim Huelskamp
Member of Congress

Bill Huizenga
Member of Congress

Duncan D. Hunter
Member of Congress

Will Hurd
Member of Congress

Lynn Jenkins
Member of Congress

Bill Johnson
Member of Congress

Sam Johnson
Member of Congress

Walter B. Jones
Member of Congress

Mike Kelly
Member of Congress

Steve King
Member of Congress

Doug LaMalfa
Member of Congress

Doug Lamborn
Member of Congress

Blaine Luetkemeyer
Member of Congress

Cynthia M. Lummis
Member of Congress

Tom MacArthur
Member of Congress

Tom Marino
Member of Congress

Thomas Massie
Member of Congress

Tom McClintock
Member of Congress

David B. McKinley, P.E.
Member of Congress

Jeff Miller
Member of Congress

Markwayne Mullin
Member of Congress

Mick Mulvaney
Member of Congress

Tim Murphy
Member of Congress

Randy Neugebauer
Member of Congress

Dan Newhouse
Member of Congress

Kristi Noem
Member of Congress

Pete Olson
Member of Congress

Steven Palazzo
Member of Congress

Steve Pearce
Member of Congress

Robert Pittenger
Member of Congress

Mike Pompeo
Member of Congress

John Ratcliffe
Member of Congress

Tom Rice
Member of Congress

Phil Roe
Member of Congress

Todd Rokita
Member of Congress

Keith Rothfus
Member of Congress

David Rouzer
Member of Congress

Matt Salmon
Member of Congress

Steve Scalise
Member of Congress

David Schweikert
Member of Congress

Austin Scott
Member of Congress

Pete Sessions
Member of Congress

Jason Smith
Member of Congress

Steve Stivers
Member of Congress

Glenn "GT" Thompson
Member of Congress

Mac Thornberry
Member of Congress

Scott Tipton
Member of Congress

Ann Wagner
Member of Congress

Tim Walberg
Member of Congress

Jackie Walorski
Member of Congress

Randy Weber
Member of Congress

Bruce Westerman
Member of Congress

Roger Williams
Member of Congress

Joe Wilson
Member of Congress

Don Young
Member of Congress

Ryan Zinke
Member of Congress

Robert Hurt
Member of Congress

Brad Wenstrup
Member of Congress

Lou Barletta
Member of Congress

Aaron Schock
Member of Congress