March 15, 2016

The Honorable Ken Calvert  The Honorable Betty McCollum
Chairman
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 Interior and Environment
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 2017 and the Energy and Water Development and Related Agencies Appropriations Act for Fiscal Year 2017 which 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).

The final adoption of the flawed WOTUS rule by the EPA and USACE will 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. 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.

Although the rule is currently tied up in the court system, it is imperative Congress act now to prevent further implementation of this devastating rule 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:

"SEC. __. None of the funds made available by this Act may be used to implement, administer, or enforce the final rule entitled ‘Clean Water Rule: Definition of ‘Waters of the United States’’ published in the Federal Register on June 29, 2015 (80 Fed. Reg. 37054), or any substantially similar rule.

We ask that you to consider the effects that this rule 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 2017 and the Energy and Water Development and Related Agencies Appropriations Act for Fiscal Year 2017.

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

Brian Babin, D.D.S.
Member of Congress

Brad Ashford
Member of Congress

Lou Barletta
Member of Congress

Andy Barr
Member of Congress

Dan Benishek M.D.
Member of Congress

Diane Black
Member of Congress

Mike Bost
Member of Congress

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

Kevin Brady
Member of Congress

Dave Brat
Member of Congress

Mo Brooks
Member of Congress

Ken Buck
Member of Congress

Larry Bucshon
Member of Congress

Bradley Byrne
Member of Congress

Earl L. "Buddy" Carter
Member of Congress
Chris Collins
Member of Congress

K. Michael Conaway
Member of Congress

Rodney Davis
Member of Congress

Scott DesJarlais
Member of Congress

Tom Emmer
Member of Congress

Stephen Fincher
Member of Congress

Chris Gibson
Member of Congress

Bob Goodlatte
Member of Congress

Doug Collins
Member of Congress

Kevin Cramer
Member of Congress

Jeff Denham
Member of Congress

Jeff Duncan
Member of Congress

Blake Farenthold
Member of Congress

John Fleming, M.D.
Member of Congress

Louie Gohmert
Member of Congress

Garret Graves
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Sam Graves
Member of Congress

Frank C. Guinta
Member of Congress

Gregg Harper
Member of Congress

Joe Heck
Member of Congress

Richard Hudson
Member of Congress

Bill Huizenga
Member of Congress

Will Hurd
Member of Congress

Bill Johnson
Member of Congress

Glenn Grothman
Member of Congress

Crescent Hardy
Member of Congress

Vicky Hartzler
Member of Congress

French Hill
Member of Congress

Tim Huelskamp
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Duncan D. Hunter
Member of Congress

Lynn Jenkins
Member of Congress

Sam Johnson
Member of Congress
Walter B. Jones  
Member of Congress

Mike Kelly  
Member of Congress

Steve King  
Member of Congress

Darin LaHood  
Member of Congress

Doug Lamborn  
Member of Congress

Barry Loudermilk  
Member of Congress

Blaine Luetkemeyer  
Member of Congress

Tom MacArthur  
Member of Congress

John Katko  
Member of Congress

Trent Kelly  
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Raúl Labrador  
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Doug LaMalfa  
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Robert E. Latta  
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Frank Lucas  
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Cynthia Lummis  
Member of Congress

Tom Marino  
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Thomas Massie
Member of Congress

Michael T. McCaul
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Tom McClintock
Member of Congress

David B. McKinley, P.E.
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Cathy McMorris Rodgers
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Martha McSally
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Luke Messer
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John Mica
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Jeff Miller
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Tim Murphy
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Randy Neugebauer
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Dan Newhouse
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Kristi Noem
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Pete Olson
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Gary Palmer
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Steve Pearce
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Robert Pittenger
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John Ratcliffe
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David Rouzer
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Matt Salmon
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Steve Scalise
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David Scott
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Jason Smith
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Mike Pompeo
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Todd Rokita
Member of Congress

Keith Rothfus
Member of Congress

Steve Russell
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Mark Sanford
Member of Congress

Austin Scott
Member of Congress

Pete Sessions
Member of Congress

Adrian Smith
Member of Congress