

Congress of the United States
Washington, DC 20515

November 23, 2015

The Honorable Paul Ryan
Speaker
United States House of Representatives
H-232, The Capitol
Washington, DC 20515

The Honorable Nancy Pelosi
Democratic Leader
United States House of Representatives
H-204, The Capitol
Washington, DC 20515

The Honorable Harold Rogers
Chairman
Committee of Appropriations
H-305, The Capitol
Washington, DC 20515

The Honorable Nita Lowey
Ranking Member
Committee on Appropriations
1016 Longworth House Office Building
Washington, DC 20515

Dear Leaders:

Earlier this year, the House included language in the FY16 Energy and Water and Interior and Environment Appropriations bills to ensure the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers' (USACE) controversial Waters of the United States (WOTUS) rule does not go forward. As you begin working on the Fiscal Year 2016 spending bill, we respectfully request you make this backstop provision a priority in any final funding package.

As you know, the WOTUS Rule is nothing more than a federal power grab by the EPA and flies in the face of two Supreme Court decisions, wreaking regulatory havoc on farmers, businesses, and families. This rule can potentially roll back the progress we have made in our nation's water quality by instituting burdensome, duplicative permitting costs and unnecessary bureaucratic red tape. Congress has also uncovered memos critical of the regulation from one of the implementing agencies, the USACE, confirming that the final rule is fatally flawed and will broaden EPA's jurisdiction of wetlands well beyond Congressional intent.

The House has acted in passing standalone legislation like H.R. 1732, the Regulatory Integrity Protection Act, to require the EPA and the USACE to withdraw the WOTUS rule and re-draft the rule in a strong, bipartisan manner. Unfortunately, Senate Democrats filibustered the Senate's best opportunity, S. 1140, the Federal Water Quality Protection Act, to stop the current rule. Not only has Congress worked to stop this rule, but nearly 90 plaintiffs have filed lawsuits regarding the legality of the rule, including 31 state governments, farm organizations, energy producers, and manufacturing groups. On August 27, 2015, a North Dakota federal court stayed the WOTUS rule's application in thirteen states. The U.S. Court of Appeals for the Sixth Circuit also issued a stay halting implementation of the WOTUS rule nationwide on October 9, 2015.

We were pleased that the Appropriations Committee included language to provide for a limitation on funds effectively prohibiting the Environmental Protection Agency and the U.S. Army Corps of Engineers, from developing, adopting, implementing, administering, or enforcing any change to the regulations and guidance in effect as of October 1, 2012, pertaining to the definition of waters under the jurisdiction of the Clean Water Act.

We urge you to recognize the substantial cost, confusion, and regulatory burden this rule will have on the economy if this controversial rule is funded for Fiscal Year 2016. We respectfully request you include this limitation of funds provision to stop the WOTUS rule from implementation.

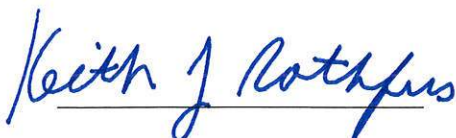
Sincerely,



Bob Gibbs
Member of Congress



Bill Shuster
Member of Congress



Walter B. Jones

Steve Pear

M. Ch

Jeff Ashby

Mr. Yang

K. Michael Lang

Bob Goodlatte

Tim Walberg

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