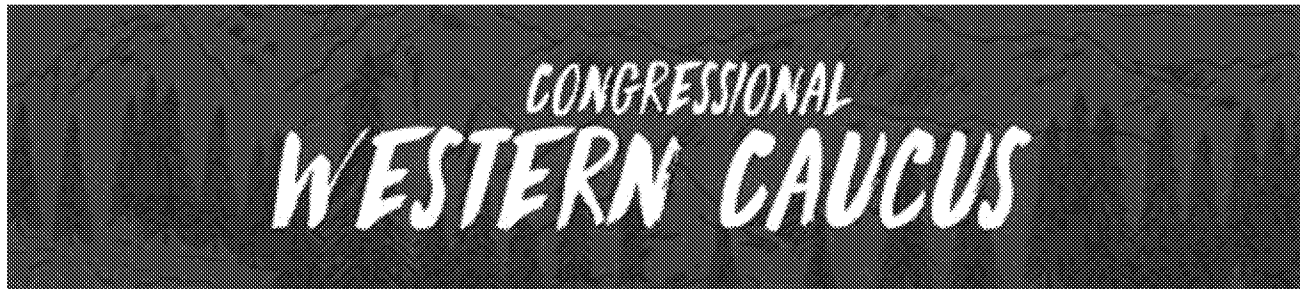


From: Hanson, Tanner [Tanner.Hanson@mail.house.gov]
Sent: 3/2/2018 12:26:04 AM
To: Hanson, Tanner [Tanner.Hanson@mail.house.gov]
CC: Small, Jeff [Jeff.Small@mail.house.gov]
Subject: Western Caucus Calls on Congress to Kill WOTUS Rule

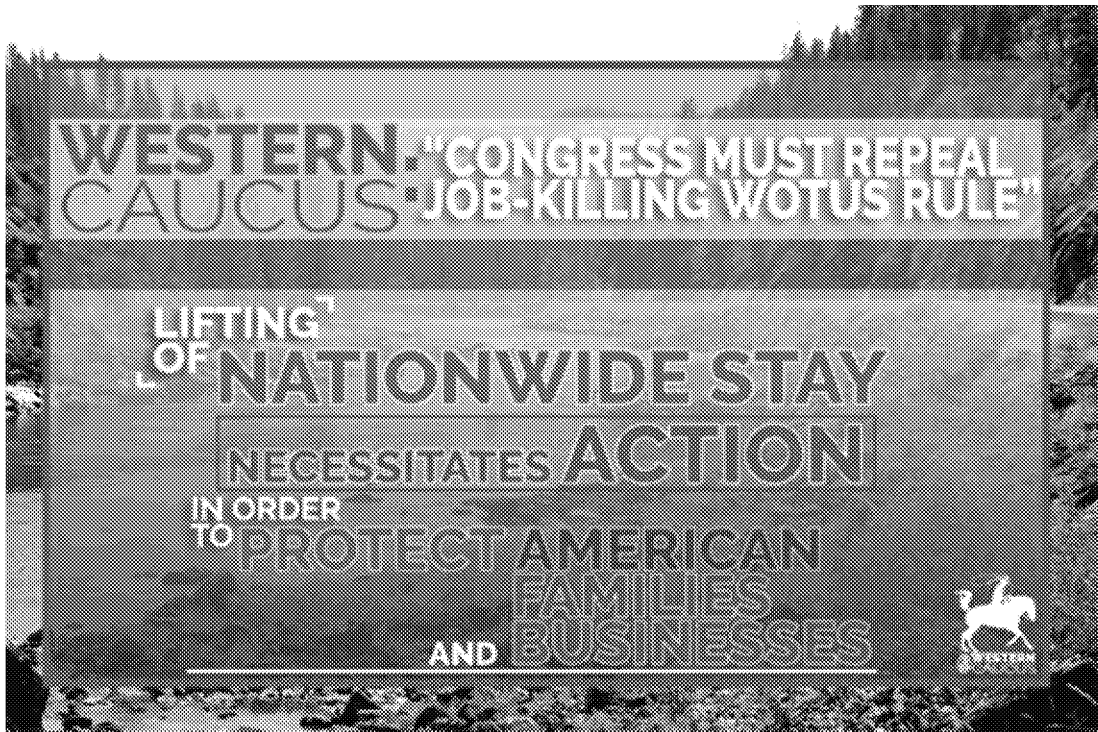


For Immediate Release
Contact: Tanner Hanson

Date: March 1, 2018
Tanner.Hanson@mail.house.gov

Western Caucus Calls on Congress to Kill WOTUS Rule

Releases list of priorities for interior section of FY 18 omnibus package



WASHINGTON, D.C. – Today, Congressional Western Caucus Chairman **Paul A. Gosar D.D.S. (AZ-04)**, Executive Vice-Chairman **Scott Tipton (CO-03)**, Chief Rules Officer **Dan Newhouse (WA-04)**, Chief Infrastructure and Forestry Officer **Bruce Westerman (AR-04)**, Chief Regulatory Reform Officer **Andy Biggs (AZ-05)**, Chairmen Emeritus **Steve Pearce (NM-02)** and **Rob Bishop (UT-01)**, and Western Caucus Members **Ralph Norman (SC-05)**, **Jeff**

Denham (CA-10), Jaime Herrera Beutler (WA-03), Liz Cheney (WY-AL), Markwayne Mullin (OK-02), Doug LaMalfa (CA-01), Mike Johnson (LA-04), Doug Lamborn (CO-05), Tom Emmer (MN-06) and Brian Babin (TX-36) released the following statements calling on Congress to act immediately to roll back the Obama Administration's Waters of the United States (WOTUS) rule after the 6th Circuit Court of Appeals lifted the nationwide stay that was in effect for the regulation:

Chairman Gosar stated, "We've been releasing statements and press releases reacting to the various judicial and regulatory twists and turns affecting the WOTUS rule for years now. But the time for statements and press releases is over. The court stay that kept WOTUS at bay nationwide is gone. We need immediate legislative action from Congress - preferably in the fiscal year 2018 omnibus package - to stop this regulation once and for all. There is no reason that this whopper of a rule from the previous Administration should remain on the books. After all, Congress already passed a bill to nullify this job-killing water rule in the past – only for President Obama to veto it."

"It is unacceptable that the most burdensome federal water and land grab in American history is again on track to become the law of the land. The Obama Administration's WOTUS rule completely by-passes states' water rights and threatens the Coloradan farmers, ranchers and landowners whose livelihoods depend on the availability of water," said **Congressman Tipton**. "I was encouraged by the current Administration's move to permanently withdraw WOTUS, but the court's latest decision now makes it imperative that Congress take swift action to block the rule. I will continue working with my colleagues in the House and Senate toward a more permanent solution to protect farmers, ranchers, and private property owners across Colorado and the nation from federal water grabs."

Congressman Newhouse stated, "I wholeheartedly supported the Trump Administration's delay of the Waters of the U.S. rule. With the 6th Circuit's decision to lift the stay on this misguided, bureaucratic power grab, it is clear Congress must act to provide relief for our nation's farmers and agriculture community. We must repeal WOTUS once and for all."

"Today's 6th Circuit decision simply underscores Congress' need to act on WOTUS. This blatant water grab by the Obama-era EPA attempted to put everyone's backyard under federal control, harming our ranchers and farmers in the process. Today's lifting will simply continue to cost the American taxpayer, who must foot the bill as this overreach languishes in court. It is high time that Congress acts to legislatively remove WOTUS, which would help ensure local landowners the ability to provide both good jobs and clean water across the country," said **Congressman Westerman**.

Congressman Biggs said, "The Clean Water Rule is one of the most intrusive and expansive regulations to come out of President Obama's politicized EPA. Congress must act to eliminate WOTUS once and for all."

Congressman Pearce said, "This regulation would be a disaster for rural communities in the West and across the country, giving Washington near-total control over water resources. The livelihoods of American farmers, ranchers, and entrepreneurs are at stake. It is vital that we foster a level of rationality in environmental policy and begin detangling the web of crushing rules and regulations across the federal government. Ridding the nation of this burdensome rule is long-overdue, and I will continue working in Congress to conserve resources while protecting American jobs."

"As long as the threat of this rule has a heartbeat, farmers, ranchers, businesses and families will

continue living under a cloud of uncertainty," said **Congressman Bishop**. With bipartisan opposition across the country, we will pursue every avenue necessary to dispose of this harmful and abusive regulation."

Congressman Norman said, "The Obama Administration's WOTUS rule is an egregious example of the kind of regulatory overreach that is killing our nation's farmers and ranchers. I am disappointed that the 6th Circuit Court of Appeals has lifted the stay on implementation of the rule. Now is the time for Congress to act to eliminate this rule completely, and I am proud to stand with the Western Caucus to be the tip of the spear in this effort."

"You know the reach of the government has gone too far when farmers are getting sued for planting wheat in a wheat field," said **Congressman Denham**. "Delaying the rule was an important step, but fully rescinding the rule is clearly needed to provide certainty while the regulation is rewritten."

"This unfortunate court decision only intensifies the need for Congress to provide permanent relief for Southwest Washington farmers and land owners who would be so detrimentally impacted by this devastating rule. If the D.C. bureaucrats and courts have their way, this horrible WOTUS rule would allow the federal government to regulate every pond and ditch on private property – overturning four decades of effective Clean Water Act protection of our lands. I'll continue working with my colleagues in Congress to defend the plight of Southwest Washington residents from this egregious government power grab," said **Congresswoman Herrera Beutler**.

Congresswoman Cheney stated, "The 2015 Waters of the United States Rule was a gross overreach by President Obama's Administration, granting unconstitutional authority to federal agencies and undermining local and state authority. WOTUS threatens our rural communities, expands federal control over private property rights, and harms hard hard-working ranchers in Wyoming and across the nation. The House and Senate should move immediately to abolish this rule once and for all."

"The previous administration's WOTUS Rule allowed the federal government to regulate every stream, creek, and ditch across the nation at the expense of countless jobs and taxing regulatory costs to businesses," said **Congressman Mullin**. "Oklahoma's farmers, ranchers, and small businesses need relief from this burdensome rule. I will continue to work in Congress to pass legislation that overturns this gross abuse of executive branch power."

Congressman LaMalfa said, "WOTUS is one of the most erroneous and over-reaching rules ever implemented, and this decision clears the way for it to become the law of the land. That can't happen. WOTUS gives authority to unelected bureaucrats to regulate nearly every body of water in America and puts private property rights in serious jeopardy. This would have an especially devastating impact on rural America, including Northern California. Congress must now act quickly to pass legislation that defeats this unconstitutional rule once and for all."

"The Supreme Court's January opinion in *National Association of Manufacturers v. Department of Defense* - regarding the Obama Administration's overreaching, job-killing Waters of the U.S. (WOTUS) rule - has thrown some industries into chaos as uncertainty once again looms. Congress has the capability to provide a permanent, statutory answer on the merits of the rule once and for all by nullifying the rule in its entirety. WOTUS is bad for America's farmers, bad for American energy and bad for America's builders. I will continue to fight for a solution to this terrible rule," said **Congressman Johnson**.

Congressman Lamborn remarked, "The Obama Administration's Waters of the United States rule is a classic example of government regulation gone wrong. From farmers to construction companies to homeowners and countless groups in between, the WOTUS rule makes it harder for ordinary Americans to do business and support their families. It impedes on the rights of both states and property owners, and should not be put into effect. Congress should act to require the Environmental Protection Agency and the US Army Corps of Engineers to withdraw the WOTUS rule and re-draft the rule in a strong, bipartisan manner. I look forward to working with Administrator Pruitt and Lieutenant General Semonite on a revision of this rule that will honor local landowners instead of giving power solely to the federal government."

"Yesterday's action was disappointing," said **Congressman Emmer**. "The EPA's Waters of the U.S. rule was intrusive, damaging for jobs in Minnesota and around the country, and a prime example of Obama-era bureaucratic overreach. Like all Minnesotans, I believe that we need to be good stewards of our land and waterways, but our farmers and ranchers should be focused on feeding America instead of attempting to comply with the EPA's inherently flawed rule."

"Congress and the Administration must continue to use every tool we have to stop WOTUS. This Obama-era grab of private property rights and local control will be devastating for rural and suburban communities," concluded **Congressman Babin**.

Background:

Today, Western Caucus called on the House and Senate to immediately pass legislation which would get rid of the job-killing Obama Waters of the United States (WOTUS) rule once and for all. This could be accomplished in two ways: 1) standalone legislation, or; 2) language included in the base text or attached to the fiscal year 2018 omnibus - to be considered imminently in March - that would nullify the rule entirely. This legislative approach would allow the Environmental Protection Agency to focus on other Trump Administration priorities - including writing a more targeted and sensible regulation that is consistent with Supreme Court precedent.

On 2/28/18, the 6th U.S. Circuit Court of Appeals lifted the nationwide stay of the Waters of the United States (WOTUS) rule. Accordingly, Congress must act in the upcoming omnibus or other must pass legislation to end litigation and halt the incredibly onerous and overreaching rule from taking effect.

The Obama Administration's WOTUS rule attempted to assert Clean Water Act jurisdiction over nearly all areas with even the slightest of connections to water resources, including man-made conveyances. Farmers, ranchers, job creators and private property owners would suffer under this overreaching water grab. WOTUS contradicts prior Supreme Court decisions and seeks to expand agency control over 60% of our country's streams and millions of acres of wetlands that were previously non-jurisdictional.

Section 431 of the House Interior bill seeks to address the previous Administration's overreach by authorizing the EPA Administrator and Secretary of the Army to withdraw the Obama WOTUS rule. Codifying Section 431 or a similar provision into law is necessary to address the pending uncertainty for Western Caucus Members and their constituents as a result of the Sixth Circuit stay being lifted.

In recent years, the House has voted at least five different times to block or reduce the damage associated with the Obama WOTUS rule. **In January 2016, the House and Senate passed**

legislation blocking WOTUS utilizing the Congressional Review Act and put a bill on President Obama's desk that he subsequently vetoed.

The Sixth Circuit issued a nationwide stay and temporarily blocked implementation of the WOTUS rule on October 9, 2015. In June 2017, the EPA proposed a repeal of the Obama-era rule when it released a proposed rule that sought to re-codify the Clean Water Act as it existed prior to the 2015 Obama Administration rule. In January of 2018, the EPA also finalized an applicability rule that sought to delay the 2015 Obama rule by two years to February 6, 2020. However, eleven attorney generals and two environmental groups have filed separate cases in the New York court challenging delay of the applicability date and the January 2018 rule. There is also another environmental lawsuit filed against this delay in South Carolina. Further, in its January 22, 2018 decision, the Supreme Court held that challenges to the WOTUS Rule belong at the district rather than appellate court level, overturning the Sixth Circuit's decision and issuing instructions for the court to dismiss the case and nationwide stay.

In addition to calling on Congress to act to repeal the WOTUS rule, Western Caucus also released their top Interior Appropriations omnibus priorities. To view that list click [HERE](#).

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