



**Committee on Transportation and Infrastructure**  
**U.S. House of Representatives**

**Washington, DC 20515**

**Bill Shuster**  
**Chairman**

**Nick J. Rahall, III**  
**Ranking Member**

Christopher P. Bertram, Staff Director

March 5, 2014

James H. Zoia, Democrat Staff Director

President Barack Obama  
1600 Pennsylvania Avenue NW  
Washington, D.C. 20500

Dear President Obama:

We are deeply concerned with your recent push to dramatically expand federal jurisdiction over waters and wet areas in the United States. These actions are yet another example of a disturbing pattern of an imperial presidency that seeks to use brute force and executive action while ignoring Congress.

Unilaterally broadening the scope of the Clean Water Act and the federal government's reach into our everyday lives would adversely affect the nation's economy, threaten jobs, invite costly litigation, and significantly restrict the ability of landowners to make decisions about their property and the rights of state and local governments to plan for their own development. This massive federal jurisdiction grab was the subject of failed legislation in the 110<sup>th</sup> and 111<sup>th</sup> Congresses that strong bipartisan opposition prevented from moving forward.

On September 17, 2013, the Environmental Protection Agency and Corps of Engineers sent to the Office of Information and Regulatory Affairs of the Office of Management and Budget, for regulatory review, a draft rule entitled *Definition of 'Waters of the United States' Under the Clean Water Act*. This rule ostensibly aims to "clarify" which waterbodies are subject to Federal jurisdiction under the Clean Water Act.

We are extremely concerned that there are serious deficiencies with this rulemaking. The draft rule misconstrues and manipulates the legal standards announced in the two Supreme Court holdings relevant to this rule, and there are substantial flaws in the economic and scientific foundations upon which the rule is based. Further, the sequence and timing of the actions that the Agencies have been taking to develop this rule undermine the credibility of the rule and the process to develop it.

Regulation of the nation's waters must be done in a manner that responsibly protects the environment without an unnecessary and costly expansion of the federal government in order to

prevent unreasonable and burdensome regulations and to protect small businesses, farmers, and families.

Sincerely,



Bill Shuster  
Chairman  
Committee on Transportation and  
Infrastructure



Bob Gibbs  
Chairman  
Subcommittee on Water Resources and  
Environment

cc: Sylvia Mathews Burwell, Director, Office of Management and Budget  
Jo-Ellen Darcy, Assistant Secretary of the Army (Civil Works)  
Gina McCarthy, Administrator, U.S. Environmental Protection Agency