

KEY VOTE ALERT!

September 9, 2014

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, strongly supports H.R. 5078, the "Waters of the United States Regulatory Overreach Protection Act." This bipartisan bill would uphold the federal-state partnership to regulate the nation's waters by preserving existing rights and responsibilities with respect to "waters of the United States" under the Clean Water Act.

On April 21, 2014, EPA and the U.S. Army Corps of Engineers (Corps) proposed a rule to change the definition of "Waters of the United States" under the Clean Water Act (CWA). This change is comprised of a complicated set of regulatory definitions, including new and poorly defined terms, based on ambiguous and untested legal theories and regulatory exclusions. The result is a proposal that asserts jurisdiction over waters, including many ditches, impoundments, isolated waters, and other waters that are presently under the jurisdiction of the states. This proposal is inconsistent with Congressional intent and recent Supreme Court decisions.

In this tough economy any type of uncertainty is detrimental. EPA's proposed rule will create a great deal of uncertainty for Chamber members. This rule could put projects and investments in a holding pattern due to the uncertainty of what would be federally regulated and who would or would not need federal permits. Chamber members who have never had the need for a federal water permit would suddenly find themselves having to apply for one or risk \$37,500 per "discharge" per day in penalties. This proposed rule could also impact existing businesses or facilities.

The Chamber strongly supports H.R. 5078 and urges a "yes" vote on the bill. **The Chamber may consider including votes on, or in relation to, this bill in our annual *How They Voted* scorecard.**

Sincerely,



R. Bruce Josten



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