EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

April 29, 2015
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 1732 – Regulatory Integrity Protection Act

(Rep. Shuster (R-PA) and 70 co-sponsors)

The Administration strongly opposes H.R. 1732, which would require the Environmental Protection Agency (EPA) and the Department of the Army (Army) to withdraw and re-propose specified draft regulations needed to clarify the jurisdictional boundaries of the Clean Water Act (CWA). The agencies' rulemaking, grounded in science, is essential to ensure clean water for future generations, and is responsive to calls for rulemaking from Congress, industry, and community stakeholders as well as decisions of the U.S. Supreme Court. The proposed rule has been through an extensive public engagement process.

Clean water is vital for the success of the Nation's businesses, agriculture, energy development, and the health of our communities. More than one in three Americans get their drinking water from rivers, lakes, and reservoirs that are at risk of pollution from upstream sources. The protection of wetlands is vital for hunting and fishing. When Congress passed the CWA in 1972, to restore the Nation's waters, it recognized that to have healthy communities downstream, we need to protect the smaller streams and wetlands upstream.

Clarifying the scope of the CWA helps to protect clean water, safeguard public health, and strengthen the economy. Supreme Court decisions in 2001 and 2006 focused on specific jurisdictional determinations and rejected the analytical approach that the Army Corps of Engineers was using for those determinations, but did not invalidate the underlying regulation. This has created ongoing questions and uncertainty about how the regulation is applied consistent with the Court's decisions. The proposed rule would address this uncertainty.

If enacted, H.R. 1732 would derail current efforts to clarify the scope of the CWA, hamstring future regulatory efforts, and deny businesses and communities the regulatory certainty needed to invest in projects that rely on clean water. H.R. 1732 also would delay by a number of years any action to clarify the scope of the CWA, because it would: (1) require the agencies to re-propose a rule that has already gone through an extensive public comment process; and (2) create a burdensome advisory process that would complicate the agencies' rulemaking and potentially constrain their discretion. The agencies have already conducted an extensive and lengthy outreach to a broad range of stakeholders who will continue to be engaged in the current process. Duplicative outreach and consultation would impose unnecessary burdens and excessive costs on all parties.

The final rule should be allowed to proceed. EPA and Army have sought the views of and listened carefully to the public throughout the extensive public engagement process for this rule. It would be imprudent to dismiss the years of work that have already occurred and no value would be added. The agencies need to be able to finish their work.

In the end, H.R. 1732, like its predecessors, would sow more confusion and invite more conflict

at a time when our communities and businesses need clarity and certainty around clean water regulation. Simply put, this bill is not an act of good government; rather, it would hinder the ongoing rulemaking process and the agencies' ability to respond to the public as well as two Supreme Court rulings.

If the President were presented with H.R. 1732, his senior advisors would recommend that he veto the bill.

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