



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

November 3, 2015
(Senate)

STATEMENT OF ADMINISTRATION POLICY

S.J.Res. 22 – Disapproving EPA/Army Rule on Waters of the United States

(Sen. Ernst, R-IA, and 49 cosponsors)

The Administration strongly opposes S.J.Res. 22, which would nullify a specified Environmental Protection Agency (EPA) and the Department of the Army (Army) final rule clarifying the jurisdictional boundaries of the Clean Water Act (CWA). The agencies' rulemaking, grounded in science and the law, is essential to ensure clean water for future generations, and is responsive to calls for rulemaking from the Congress, industry, and community stakeholders as well as decisions of the U.S. Supreme Court. The final 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 also 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 used 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 final rule was developed to address this uncertainty and it should remain in place.

If enacted, S.J.Res. 22 would nullify years of work and deny businesses and communities the regulatory certainty needed to invest in projects that rely on clean water. EPA and Army have sought the views of and listened carefully to the public throughout the extensive public engagement process for this rule.

Simply put, S.J.Res. 22 is not an act of good governance. It would sow confusion and invite conflict at a time when our communities and businesses need clarity and certainty around clean water regulation.

If the President were presented with S.J.Res. 22, his senior advisors would recommend that he veto the bill.

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