

# Congress of the United States

Washington, DC 20515

April 25, 2006

## Cosponsor the Bi-partisan H.R. 1356, the Clean Water Authority Restoration Act

Dear Colleague:

We urge you to cosponsor H.R. 1356, the Clean Water Authority Restoration Act of 2005. This legislation would amend the Clean Water Act to reestablish the original intent of Congress to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”

In 2001, the Supreme Court issued a 5-to-4 opinion – the *Solid Waste Agency of Northern Cook County v. Army Corps of Engineers* (the *SWANCC* case) – that denies Federal protection for thousands of wetlands and isolated waters. Congress must approve H.R. 1356 to overturn this decision.


The Court’s opinion in *SWANCC* unnecessarily limits Federal authority under the Clean Water Act which serves as the primary protection of the nation’s waters, including wetlands that provide important flood control protections, habitat, and water quality improvements. In the absence of Clean Water Act protections, many isolated and intrastate waters have been filled and polluted without regard to the impact on human needs or the environment. As stated in the dissenting opinion of Justice Stevens, “the Court takes an unfortunate step that needlessly weakens our principal safeguard against toxic water.”

H.R. 1356 would restore the original intent of Congress on the scope of Federal authority and protections under the Clean Water Act by substituting the term “navigable waters” with the term with the term “waters of the United States” and eliminating any misapprehension of a jurisdictional nexus to actual navigation. A definition of the term would be added that is a combination of decades-old interpretations of jurisdiction by the Environmental Protection Agency and the Corps of Engineers. H.R. 1356 restores Clean Water Act authority to what existed prior to the *SWANCC* decision – it does not expand that authority.

In addition, H.R. 1356 would overturn the January 2003 policy guidance issued by the Bush administration, which expanded the scope of waters threatened by unregulated polluting and filling far beyond the holding of the *SWANCC* decision. This guidance alone may remove Clean Water Act protections from an estimated 20 percent of the nation’s waters, including wetlands, as well as countless miles of streams across the country.

If you have any questions or would like to cosponsor the Clean Water Authority Restoration Act, please call the Subcommittee on Water Resources and Environment at (202) 225-0060.

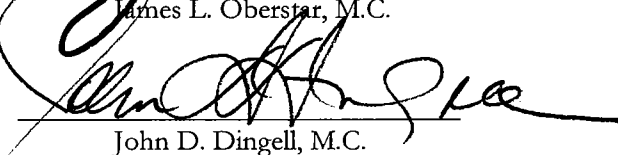
Sincerely,



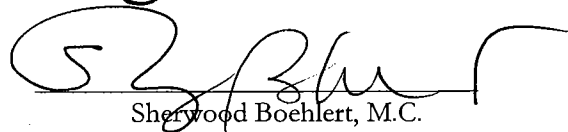
James L. Oberstar, M.C.



James A. Leach, M.C.



John D. Dingell, M.C.



Sherwood Boehlert, M.C.