

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

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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 S.J. Res. 22, the resolution of disapproval under the Congressional Review Act to prohibit the U.S. Army Corps of Engineers and the EPA's Waters of the United States (WOTUS) rule.

The WOTUS rule goes beyond the statutory and legal authority of the Clean Water Act. Indeed, the WOTUS rule expands federal jurisdiction over water features and land uses beyond what Congress intended and beyond the lawful limits of federal Clean Water Act jurisdiction as interpreted by the U.S. Supreme Court. Moreover, the WOTUS rule was finalized in August 2015 without the agencies conducting the required regulatory impact analyses and without appropriately consulting with states or affected stakeholders.

More than half of the states and numerous stakeholder organizations have filed lawsuits to challenge the WOTUS rule. Two separate courts have already determined that the WOTUS rule may be unlawful and have imposed regional and nationwide injunctions temporarily halting implementation of the rule. While these court determinations and injunctions are helpful, they are preliminary at best and are by no means a long-term or permanent solution. The litigation concerning the WOTUS rule will continue for years, and courts could decide to lift the injunctions at any time during the litigation. As long as the WOTUS rule remains on the books, businesses of all sizes, as well as state and local governments, will suffer the regulatory uncertainty from the rule itself and from the ongoing litigation.

For these reasons, and in order to prevent the flawed WOTUS rule and the attendant significant regulatory uncertainty from further harming the economy, the Chamber strongly supports S.J. Res. 22. **The Chamber urges you to support S.J. Res. 22 and may consider votes on, or in relation to, this bill in our annual *How They Voted* scorecard.**

Sincerely,



R. Bruce Josten