

# Hicks-Ray Associates

*Implementing Strategies, Achieving Success*



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April 16, 2015

TO: WESTCAS Membership

FROM: Hicks-Ray Associates

SUBJECT: House Transportation and Infrastructure Committee WOTUS Actions

Yesterday, while the House Energy and Water Appropriations Subcommittee was marking up its FY16 bill, including bill language to defund WOTUS related activities, the House Transportation and Infrastructure Committee was also addressing the issue.

On Monday, April 13, T&I Committee Chair Shuster introduced H.R 1732, the “Regulatory Protection Act of 2015.” This legislation requires USEPA and the Army Corps of Engineers to withdraw the WOTUS Rule and re-write it, this time taking full note of the input of local stakeholders including States and industry. The intended result of this exercise would be a new WOTUS proposed Rule that would fully reflect these concerns.

The full Committee passed the measure on a near party line vote of 36 to 22 with only two Democrats voting with the majority. We have attached a copy of the legislation for your review.

Another alternative that was discussed during yesterday’s T&I markup of H.R. 1732 is the use of the Congressional Review Act process which gives Congress 60 days after a Rule becomes final to file a resolution to block it. However, Congressional Review Act resolutions are subject to Presidential veto that would have to be overridden by both Houses of Congress by a two-thirds vote.

It is a virtual certainty that floor time will be found in the House for consideration and likely passage of H.R. 1732. The fate of the bill in the Senate is less certain since all bills require 60 votes before they can proceed to the Senate floor for debate.

However, the action of the House T&I Committee yesterday is an important statement with regard to where the House stands with regard to WOTUS.

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