

Hicks-Ray Associates



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TO: WESTCAS Membership

FROM: Fred B. Hicks and Tom Ray

SUBJECT: House of Representatives Debate On Clean Water Act Amendment to the
FY13 Energy and Water Appropriations Bill

During the June Board conference call last Thursday, there was a request that we send you details of the House floor debate on whether to remove an amendment that is already part of the bill. The amendment in question which was added during full Appropriations Committee markup of the FY13 Energy and Water Appropriations bill prohibits the Corps of Engineers from issuing CWA Guidance.

As we reported previously, the proposed amendment was defeated by a vote of 237 to 152 with most Democrats voting to remove the original amendment and most Republican voting to retain it.

The Board also asked which House Members spoke during the debate and whether any were from the Arid West. Here is the list:

For Removal of the Amendment

Moran, VA; Dingell, MI; Edwards, MD; Fitzpatrick, PA; Visclosky, IN; Dicks, WA

Against Removal of the Amendment

Rehberg, MT; Gibbs, OH; Emerson, MO; Simpson, ID

The debate mirrors the issue of two years ago when Congress could not agree on legislation that defined “navigable waters.” They and the Administration are still struggling with this same issue at present.

In supporting his amendment, Mr. Moran of Virginia remarked:

“There are times when water goes underground during the summer and the surface dries up, but that water is still present, and much of that water is interstate. You need Federal control.”

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Mr. Rehberg of Montana, in arguing against the amendment stated:

“And now, the Obama Administration is looking to expand its reach, over the objections of both the Congress and the Supreme Court, to control water, all water everywhere.....President Obama and his allies in Congress are trying to eliminate the requirement that waterways be navigable. Simply eliminating that word gives the Federal Government nearly unlimited power. Fortunately, those legislative efforts have failed.”

The attached pages make good reading on a hugely controversial issue that impacts the Arid West. We hope you will have the opportunity to review this debate. It takes just a few minutes and really provides a good overview of what both Republicans and Democrats are thinking.