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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

April 30, 2009

The Honorable Barbara Boxer
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510-6175

Dear Chairman Boxer:

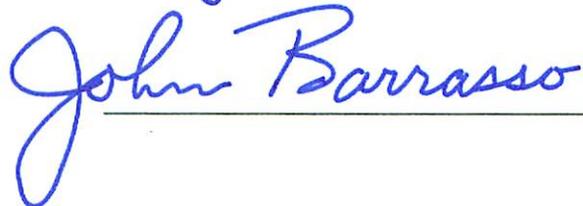
As members of the Committee on Environment and Public Works (EPW), we are requesting that S. 787, the Clean Water Restoration Act, receive a legislative hearing prior to any consideration in a Committee Business Meeting.

The Clean Water Restoration Act is intended to reverse the *SWANCC* and *Rapanos* decisions issued by the United States Supreme Court (January 9, 2003 and June 19, 2006, respectively), which would provide a broad statutory definition of "waters of the United States," among other things. While this legislation did receive a legislative hearing in the Committee last Congress, given that the Committee has several new members, we believe a second hearing is necessary.

The Clean Water Restoration Act has generated considerable controversy in our states and throughout the country. While the intent of the legislation is clear, its effects are far from certain and there are several potential unintended consequences that deserve the full attention of the Committee and the Congress. Specifically, while proponents claim that this legislation would simply reverse the *SWANCC* and *Rapanos* decisions, there is no consensus amongst scholars, stakeholders, other entities as to exactly what this legislation would do. Without a legislative hearing to consider the various potential impacts, the Committee, Congress, and the public will be denied an opportunity to understand what this legislation does, who it will effect, and how it would change the scope of the Clean Water Act.

As such, we respectfully ask that the Committee hold a legislative hearing on the Clean Water Restoration Act.

Sincerely,



Mike Crayon

Jeff Bond

Lamar Alexander