



H.R. 1732, The Regulatory Integrity Protection Act

- The EPA and Army Corps (the agencies) are moving quickly to finalize a proposed rulemaking that would greatly expand the federal government's role in regulating our nation's waters.
- NAHB does not support the substance of the rule. It categorically includes ditches, prairie potholes and other areas that have the ability to hold water after one rainfall.
- This rule will obliterate the States' authority under the Clean Water Act (CWA). The intent of Congress was that there be a partnership between the federal government and the states.
- Due to the expanded jurisdiction, more land developers will have to obtain wetlands permits. These permits can cost upwards of \$270,000 and take many years to obtain. Ultimately, these additional permits will increase the cost of housing.

H.R. 1732 introduced by Congressman Bill Shuster (R-PA):

- The agencies have sidestepped many of the regulatory requirements that are designed to ensure a fair and balanced rule. The agencies failed to:
 - Consult with State and Local Governments
 - Consult with business stakeholders
 - Comply with the requirements of the Regulatory Flexibility Act
 - Produce an accurate cost-benefit analysis
 - Read and respond to the more than 1 million comments
- The agencies need to withdraw their rule, take the steps to address these procedural flaws with the rule and then repropose a different rule. Additional time, outreach, oversight and transparency are needed to ensure that all concerns are properly addressed in a final rule.
- Congress must act now—the agencies admitted that there were many problems with the proposed rule and that they are working to address them. But the agencies have said that they will not allow the updated rule to be repropose. State and local governments, stakeholders and small businesses will not have an opportunity to comment on the updated rule and it will be impossible to make changes to the rule after it has been finalized.
- Attorneys will be the only winners if we leave the fate of this rule up to the courts. The courts have weighed in on CWA jurisdiction a number of times, only to have added more confusion. It would take years to litigate this, and we need clarity now.
- Some Members of Congress believe that we should trust the agencies to finalize their rule, and if they fail to make the necessary changes, then Congress can execute a Congressional Review Act (CRA) strategy. The CRA prevents the agencies from ever proposing an alternative regulation until explicitly authorized by Congress; Congress and the agencies would lose rulemaking flexibility. Congress would then need to pass another law to begin the rulemaking again; instead of passing two bills in the future, Congress should just pass one now.

Please ask your member of Congress to **support H.R. 1732**, the Regulatory Integrity Protection Act, which would force the agencies to withdraw this proposed rule and repropose only after completing a number of missed regulatory requirements.