



R A T I N G S A L E R T

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PROPERTY RIGHTS ALLIANCE MAY KEY VOTE THE OBERSTAR, LEACH AND DINGELL AMENDMENT TO THE INTERIOR APPROPRIATIONS BILL

The Oberstar-Leach-Dingell amendment to the FY2007 Interior Appropriations bill prevents the Environmental Protection Agency from administering the guidance issued by EPA by blocking the agency's funding for implementing "Appendix A".

Appendix A provides guidance for agency field officials and property owners regarding Clean Water Act (CWA) jurisdiction over "navigable waters" in light of the 2001 Supreme Court decision in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* ("SWANCC"). While the meaning of SWANCC and the extent of "navigable waters" has generated widespread debate in the courts, on Capitol Hill, and within the agencies, it is the ONLY guidance that provides any measure of clarity in this area of the law.

There are two cases currently on the United States Supreme Court's docket (*Rapanos* and *Carabell*) that will likely clarify the scope of federal jurisdiction over wetlands and other "waters of the United States" under the Clean Water Act. Within the coming weeks, the court will rule on these two cases, making Congressional action at this time hasty.

Simply put, the Oberstar-Leach-Dingell amendment would remove the important guidance provided by SWANCC regarding "navigable waters" and will preempt these future Supreme Court rulings. Congress should wait until the High Court rules on both cases, allowing for the issues to be clearly framed before any possible legislative action.

Property Rights Alliance urges Members to protect private property rights and oppose the ill-timed Oberstar-Leach-Dingell amendment.

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Property Rights Alliance (PRA) stands as an advocacy organization dedicated to the protection of physical and intellectual property rights, both domestically and internationally. PRA is a special project of Americans for Tax Reform.

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