

**ALASKA WILDERNESS LEAGUE \* AMERICAN RIVERS \* CLEAN WATER ACTION  
DEFENDERS OF WILDLIFE \* EARTHJUSTICE \* ENVIRONMENT AMERICA  
ENVIRONMENTAL PROTECTION INFORMATION CENTER \*  
FRIENDS OF THE EARTH \* KLAMATH FOREST ALLIANCE \* LEAGUE OF  
CONSERVATION VOTERS \* LEAGUE OF UNITED LATIN AMERICAN CITIZENS \*  
NATURAL RESOURCES DEFENSE COUNCIL \* NEXTGEN AMERICA\* PUBLIC  
CITIZEN RESTORE AMERICA'S ESTUARIES \* SAN JUAN CITIZENS ALLIANCE  
SAVE EPA \* SIERRA CLUB \* WESTERN ENVIRONMENTAL LAW CENTER  
WESTERN WATERSHEDS PROJECT \* WILDLANDS NETWORK**

July 26, 2017

Dear Representative:

On behalf of our millions of members, the undersigned organizations urge you to oppose H.R. 3219, the so-called Make American Secure Appropriations Act, 2018, which includes the Defense, Military Construction and Veterans Affairs, Legislative Branch, and Energy and Water funding bills. This package includes provisions that are harmful to water and ocean resources, cuts funding for clean energy innovation, undermines safe nuclear waste storage, and attacks border communities. Furthermore, this bill continues the House Leadership's pattern of adding harmful policy riders into spending bills in an attempt to avoid regular order. Lastly, the inclusion of \$1.6 billion for the continued construction of a failed, divisive, and anti-environmental wall along the southern border of the United States would be the latest example of inserting harmful, controversial and even radical policy proposals onto spending bills, which undermines the legislative process and the already complex budget process. This bill reflects a set of values that is not shared by the American people—one of clean air and clean water, one of equity and prosperity, one of safety and security.

### **Border Wall Provisions**

The border wall is a powerful symbol of hatred toward immigrants and undermines the civil rights of communities along our southern border, and it would increase the environmental and natural disaster risks to border communities, harm wildlife, and waste billions of taxpayer dollars on an ineffective border security tool. The current proposal would lead to the construction of 60 miles of new border wall to be built in the Rio Grande Valley of Texas, including levee-border walls and 2.9 miles built within the Santa Ana National Wildlife Refuge. This refuge is home to diverse wildlife species, ecotourism opportunities, and rich natural beauty. When levee-border walls are constructed, they negatively impact wildlife migration, pose severe flooding risks, destroy natural habitats, and can increase the risk of wildlife extinctions occurring. In order to construct existing border walls, dozens of laws protecting our environment, public health, and

sacred natural lands were waived. Our nation's natural habitats, vibrant wildlife, and healthy ecosystems are an unacceptable sacrifice to make for ineffective security measures.

### **Water Provisions**

The Energy and Water Appropriations division includes damaging policy riders and report language in contravention of regular order. Specifically, Sec. 108(a) aims to allow the Trump administration to disregard countless laws as it carries out a scheme to undermine clean water safeguards. The provision would authorize EPA and the Army Corps to repeal the Clean Water Rule without following basic and longstanding processes aimed at giving people a voice in their government's actions. For instance, a repeal could ignore Clean Water Act and Administrative Procedure Act requirements to meaningfully consider public comment. It could also interfere with the courts' ability to review if the withdrawal is "arbitrary or capricious." This fact reveals the real motivation for the rider – its proponents want to shield the Trump administration's repeal of carefully-developed clean water protections from public scrutiny and from independent judicial review. Without the Clean Water Rule, the streams that help supply public drinking water systems serving one in three Americans will remain at risk.

Additionally, Sec. 107 would exempt certain discharges of dredged or fill material from Army Corps' permitting under the Clean Water Act. The Act already exempts these kinds of activities from such permits, but requires permitting when the impacts to waterways would be more harmful. This rider would have the effect of nullifying Congress's direction to subject those non-exempt discharges to pollution control officials' review. Another rider would undermine the restoration of the San Joaquin River, the second longest river in California. Sec. 203 would prohibit spending any funds to implement the legal settlement between the United States, fishing and conservation groups, and Friant water users regarding the restoration of the river. The settlement ended 20 years of litigation and continues to be supported by water users, conservation and fishing groups, and state and federal governments.

Finally, the bill also includes a provision to halt implementation of the National Ocean Policy (Sec. 505), an important planning tool to coordinate the work of dozens of federal and state agencies with overlapping and sometimes conflicting responsibilities for addressing ocean development. These riders, and any further damaging policy provisions that will be offered, undercut the public process for determining how to implement the laws that Congress has passed. They are bad policies that will put American's health and safety at risk and they have no place on a funding bill.

### **Energy Provisions**

The bill also dramatically cuts federal clean energy spending, which has consistently proven its worth by directing RD&D funds that drive job creation, economic growth and reduce health and

environmental costs. The committee bill cuts funding for the Office of Energy Efficiency and Renewable Energy by \$1 billion (48% reduction) hurting important programs that support the development and deployment of wind energy, solar energy, advanced manufacturing, sustainable transportation technologies, and building technologies. Recklessly, the bill eliminates funding for the Advanced Research Projects Agency – Energy (ARPA-E) and the Title 17 loan guarantee program. Defunding ARPA-E cripples our ability to commercialize new technologies that will serve to meet our future clean energy needs. Furthermore, the Title 17 loan guarantee program has a strong track record of lowering the risks on deploying projects that can make cleaner and cheaper energy a reality.

The bill also includes \$120 million in a continued attempt to push the unworkable, long ago rejected proposal to dispose of nuclear waste in Yucca Mountain, Nevada. It also includes a rider in Sec. 507 that prevents funds being used to close the facility. Decades from now others will face the precise predicament we find ourselves in today if Congress tries to ram through unworkable nuclear waste solutions contentiously opposed by States, lacking a sound legal structure of science-based foundation, and devoid of public understanding and consent. The current efforts to quickly open Yucca Mountain and an interim storage facility simply will not work.

This bill also rejects the sensible plan to cancel the risky and enormously costly mixed oxide (MOX) program, intended to dispose of excess plutonium from the U.S. nuclear weapons program by turning it into nuclear reactor fuel. Instead this bill mandates that the Department of Energy waste an additional \$340 million on construction of the MOX fuel fabrication plant. Congress should reject the MOX program and support an improved approach for disposing of excess plutonium.

We strongly oppose this minibus package, which would put our energy future at risk and would harm border communities, and it includes poison pill riders that will harm our nation's public health, air, water, lands, and wildlife. We also urge opposition to any amendments that would harm health and the environment.

Sincerely,

Alaska Wilderness League

American Rivers

Clean Water Action

Defenders of Wildlife

Earthjustice

Environment America

Environmental Protection Information Center

Friends of the Earth

Klamath Forest Alliance  
League of Conservation Voters  
League of United Latin American Citizens  
Natural Resources Defense Council  
NextGen America  
Public Citizen  
Restore America's Estuaries  
San Juan Citizens Alliance  
Save EPA  
Sierra Club  
Western Environmental Law Center  
Western Watersheds Project  
Wildlands Network