

United States Senate Committee on the Judiciary
Hearing on “Nominations”
Wednesday, September 9, 2009

Responses of Ignacia S. Moreno to Written Questions
Submitted by United States Senator Russell D. Feingold

- (1) The Administration has called for legislation to overturn two recent U.S. Supreme Court decisions and restore the historic, broad protections for “waters of the United States” under the Clean Water Act. Do you agree that such legislation is needed?**

I agree with the sentiments expressed in a recent letter from Administration officials that such legislation would “go a long way toward addressing the substantial confusion and uncertainty arising from . . . recent Supreme Court decisions.” (Letter of May 20, 2009 from the Chair of the White House Council on Environmental Quality, the Administrator of the Environmental Protection Agency, the Secretary of the Department of the Interior, the Secretary of the Department of Agriculture, and the Acting Assistant Secretary of the Army (Civil Works) to Congressional leaders, articulating four core principles and stating: “Enactment of legislation amending the Clean Water Act – based on these principles – would go a long way toward addressing the substantial confusion and uncertainty arising from the recent Supreme Court decisions [*Rapanos v. United States*, 547 U.S. 715 (2006) and *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers*, 531 U.S. 159 (2001)]).)

- (2) Do you think the goal of the Clean Water Act of 1972 can be achieved if the Act is allowed to be reduced in scope and waters protected prior to the SWANCC and Rapanos Supreme Court decisions are allowed to remain unprotected?**

I believe that the authors of the May 20, 2009 letter referenced above speak to the goals of the Clean Water Act of 1972, and I agree with their statement that “[i]t is essential that the Clean Water Act provide broad protection of the Nation’s waters, consistent with full Congressional authority under the Constitution. All of the environmental and economic benefits that these aquatic ecosystems provide are at risk if some elements are protected and others are not.”