

## Dissenting Views

Clean water is a basic need—essential for the health and safety of our communities, our families, and our overall environment. Clean water is also vital to the success of the nation’s economy and to the businesses and industries that rely on safe, sustainable, and reliable sources of clean water. Simply put, clean water is critical to our very survival—for without water, we simply could not live.

House Democrats stand for clean water.

House Democrats led the charge in the 117th Congress for enactment of *the Bipartisan Infrastructure Law* (BIL), which provided \$13 billion in clean water infrastructure investments.<sup>1</sup> This once-in-a-generation infusion of federal funding will help address the wastewater infrastructure needs of local communities regardless of size or geographic location. With the additional \$2.2 billion in local BIL investments announced in February of 2023 through the Clean Water State Revolving Fund, we are just starting to realize the human health, economic, and environmental benefits of this transformative law.

House Democrats also stand for comprehensive rules that protect our water while providing certainty and predictability to states, businesses, local governments, farmers, hunters and fishers, and American citizens who depend on clean water for their lives and livelihoods. Critical to that effort, House Democrats recognize that we need to do everything we can to ensure we have safe, sufficient and sustainable supplies of water to meet our economic and agricultural needs, our quality-of-life needs, and our day-to-day survival.

This *Congressional Review Act* (CRA) resolution, H. J. Res. 27, is the latest attack on clean water in communities all around the country. It will create ambiguity and confusion over protecting the rivers, streams, and other waterbodies that provide drinking water to over 117 million Americans at a time when many states are facing historic droughts.<sup>2</sup> It will hurt efforts to restore protections for rivers, streams, and wetlands gutted by the previous administration.<sup>3</sup> It recklessly ties the hands of federal agencies seeking to provide predictability for farmers and developers while protecting our nation’s water quality and supply. It frustrates state and local efforts to protect locally important waterbodies and create greater uncertainty and anxiety over future sustainable drinking and agricultural water supplies.

In our view, protection of the nation’s water quality and regulatory certainty can go hand in hand, as demonstrated by the current administration’s efforts to restore legally justified and scientifically based regulations defining those waters protected by the *Clean Water Act*.<sup>4</sup>

This CRA resolution is the wrong tool to make changes to *Clean Water Act* regulations. Instead of improving the regulations or adding greater certainty, enacting this CRA resolution will create

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<sup>1</sup> Pub. L. 117-58.

<sup>2</sup> See EPA, “Percentage of Surface Drinking Water from Intermittent, Ephemeral, and Headwater Streams,” found at <https://www.epa.gov/cwa-404/geographic-information-systems-analysis-surface-drinking-water-provided-intermittent>.

<sup>3</sup> The previous administration’s *Navigable Waters Protection Rule* (85 Fed. Reg. 22250, Apr. 21, 2020) removed historic *Clean Water Act* protections on over 50 percent of the nation’s remaining wetlands and up to 70 percent of its rivers, lakes, and streams. A federal district court overturned the *Rule* in 2021 (*Pascua Yaqui Tribe, et. al. v. EPA*, No. CV-20-00266 (D. Ariz. Aug. 30, 2021)).

<sup>4</sup> USACE and EPA, Revised Definition of “Waters of the United States” (88 Fed. Reg. 3004, Jan. 18, 2023).

chaos and void important clarifications and exclusions that farmers, ranchers, and landowners rely on.

This resolution will lessen, not increase, certainty, and will harm national efforts to protect the health of our waterbodies and the communities, businesses, and economy that depend on clean water.

In our view, this CRA resolution is a big mistake and should be rejected.



Rick Larsen, Ranking Member



Grace F. Napolitano, Ranking Member, Subcommittee on Water Resources and Environment



Eleanor Holmes Norton



Steve Cohen



Henry C. "Hank" Johnson, Jr.



André Carson



Dina Titus



Jared Huffman



Julia Brownley



Frederica S. Wilson



Donald M. Payne, Jr.



Mark DeSaulnier



Jake Auchincloss



Troy A. Carter, Sr.



Rob Menendez



Emilia Sykes



Valerie Foushee