

Spanberger	Tlaib	Velázquez
Stansbury	Tokuda	Wasserman
Stanton	Tonko	Schultz
Stevens	Torres (CA)	Waters
Strickland	Torres (NY)	Watson Coleman
Sykes	Trahan	Wexton
Takano	Trone	Wild
Thanedar	Underwood	Williams (GA)
Thompson (CA)	Vargas	Wilson (FL)
Thompson (MS)	Vasquez	
Titus	Veasey	

NOT VOTING—15

Boebert	Kildee	Neal
Bush	Lee (CA)	Ross
Doggett	Lynch	Scott, David
Espallat	Miller (OH)	Swalwell
Evans	Moore (UT)	Walberg

□ 1406

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Deirdre Kelly, one of his secretaries.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, DEPARTMENT OF DEFENSE AND THE ENVIRONMENTAL PROTECTION AGENCY—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 118-26)

The SPEAKER pro tempore (Mr. STRONG). Pursuant to the order of the House on April 10, 2023, the unfinished business is the further consideration of the veto message of the President on the joint resolution (H.J. Res. 27) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Army, Corps of Engineers, Department of Defense and the Environmental Protection Agency relating to "Revised Definition of 'Waters of the United States'".

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the joint resolution, the objections of the President to the contrary notwithstanding?

(For veto message, see proceedings of the House of April 10, 2023, at page H1715.)

The SPEAKER pro tempore. The gentleman from Missouri (Mr. GRAVES) is recognized for 1 hour.

Mr. GRAVES of Missouri. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. LARSEN), the ranking member of the Committee on Transportation and Infrastructure, pending which I yield myself such time as I may consume.

GENERAL LEAVE

Mr. GRAVES of Missouri. Mr. Speaker, I ask unanimous consent that all

Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the veto message on H.J. Res. 27.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. GRAVES of Missouri. Mr. Speaker, I am proud to once again rise in support of H.J. Res. 27, which I introduced to negate an ill-timed and ill-conceived rule coming out of the Biden administration.

I remind my colleagues on both sides of the aisle that since I last spoke on the floor of this Chamber in support of H.J. Res. 27, the resolution passed both the House and the Senate with bipartisan support.

While the Clean Water Act has greatly improved the health of our Nation's waters in the 50 years since it has become law, this administration's rule defining a "water of the United States," or WOTUS, is just the latest in a string of examples of executive overreach beyond the intent of the Clean Water Act.

Decades of agency interpretations and misinterpretations of WOTUS have created a lot of uncertainty for rural communities, farmers, businesses, and industries that rely on clean water, and this rule does absolutely nothing to provide clarity.

In his message to the House regarding the veto of this legislation, the President claims that H.J. Res. 27 "would leave Americans without a clear definition of 'waters of the United States.'"

□ 1415

This is simply untrue and disingenuous, especially considering it was his own administration that decided to get rid of the 2020 Navigable Waters Protection Rule, which provided long-awaited clarity on the scope of WOTUS, in favor of this new overreaching and unclear definition.

This issue matters to everyday Americans all over the country, and I hear about it all the time.

I am disappointed to see the President favor radical environmental activists over America's families, small businesses, farmers, builders, and property owners.

That being said, I am hopeful that the Members of the House and Senate can come together to override this veto, terminating this ambiguous and burdensome rule in favor of greater economic prosperity for Americans nationwide.

Recently, two Federal courts halted enforcement of the administration's rule, granting relief to farmers, homebuilders, and landowners in 26 States.

Every Member today has the opportunity to vote to override the President's veto and ensure all 50 States are relieved of the burdens this rule has created.

Mr. Speaker, I urge my colleagues to join me in voting to override the Presi-

dent's veto of H.J. Res. 27, and I reserve the balance of my time.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, clean water is critical for the health and safety of our communities and our families. Our local businesses, farmers, and our economy depend on clean water for their success and their prosperity.

House Democrats have a proud and successful history of supporting clean water. House Democrats have championed investments in our Nation's water and wastewater infrastructure systems, ensuring that all communities can trust in the safety of the water they drink and the treatment of the wastewater they produce.

Last Congress, House Democrats provided historic, bipartisan investment in our Nation's infrastructure through the Bipartisan Infrastructure Law. Specifically for clean water, the BIL invests almost \$13 billion in clean water infrastructure and is creating jobs in communities across the country.

The BIL showed what Congress can do when we focus on the needs of American families. Today, I would put to you that we are doing the opposite and putting polluters over people with this doomed veto override attempt.

In my own State of Washington, we are defined by clean water, including the health of the iconic Puget Sound and the hundreds of crystal clear lakes and thousands of miles of rivers and streams that run through our State.

My constituents know that rivers, streams, and wetlands are intrinsically connected. Pollution that starts in one body of water does not stay put.

House Democrats know we can protect clean water while providing certainty to businesses, farmers, and for everyone who depends upon clean water for their lives and livelihoods.

This is especially true for the 117 million Americans who depend on smaller streams as a source of drinking water at a time when many States continue to face historic droughts.

My colleagues on the other side of the aisle say they want clean water rules that are simple, clear, and easy to follow. So do we. We agree on that.

The Biden administration's Clean Water Restoration Rule does just that, following the law and the science of protecting clean water while providing regulatory certainty and stability for everyone.

Unfortunately, this resolution will do the opposite.

Mr. Speaker, I applaud the administration's call for vetoing H.J. Res. 27.

The argument is that they want bright lines in the regulation of clean water, yet the only proposal that my colleagues on the other side of the aisle seem to support is the Navigable

Waters Protection Rule of the previous administration, a proposal that removed Federal protections on roughly half of the Nation's wetlands and 70 percent of its rivers and streams.

That rule was rightly rejected by a Federal court, not by this administration, but by a Federal court in 2021, as fundamentally flawed and likely to cause serious environmental harm every day that it remained in effect.

Yet, despite their call for certainty, my colleagues have failed to recognize that passage of this resolution that is before us today would leave Americans without a clear definition of waters of the United States.

By taking away this clarity, this resolution brings back the very same uncertainty and ambiguity that supporters claim to be concerned about. I know they are concerned about that uncertainty.

This resolution will adversely impact farmers, ranchers, and developers by creating regulatory chaos and eliminating important exclusions that have been codified in this administration's rule to help water-dependent businesses and farmers understand and comply with the law.

For example, because it prohibits the EPA from issuing substantially the same rule, this resolution means the elimination of two longstanding exclusions for wastewater treatment systems and prior converted crop land—exclusions that have been relied upon by communities, developers, industry, and farmers for decades.

This resolution would also eliminate six new regulatory exclusions for features considered generally non-jurisdictional, including certain ditches, artificially irrigated areas, and artificial lakes or ponds.

Ironically, this resolution will result in more uncertainty and more bodies of water being regulated than under the administration's proposal. You don't have to take my word for it. Just read the Congressional Budget Office report accompanying this resolution. It is right in there.

As I mentioned previously on this floor and in another debate on this issue, the Biden proposal will not adversely impact family farmers in this country, period. Why?

Because farmers are, by statute, largely exempt from the Clean Water Act regulation where less than 1 percent of all wetlands permits relate to ag activities nationwide.

Therefore, if a farm is engaged in normal farming, forestry, and ranching activity, that farm is exempt from regulation, and the current proposal does not change that exemption.

In short, this resolution still makes no sense. It invalidates the Biden rule and all the clarifications and all of the exceptions for business it contains in favor of a similarly structured but much less clear regulatory framework.

It increases uncertainty and the likelihood of continued legal battles and gridlock; the opposite of what businesses and farmers are looking for.

Mr. Speaker, I support this administration's efforts on clean water, both through implementation of the critical bipartisan infrastructure law investments in water infrastructure and its veto of this shortsighted resolution.

This resolution represents a step backward for clean water, increases uncertainty for businesses, and doubles down on fighting and on chaos.

Mr. Speaker, I urge my colleagues to continue to oppose this resolution and work toward real predictability for businesses that need it, and clean water for communities that cannot survive without it.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. CRAWFORD), the chairman of the Highways and Transit Subcommittee.

Mr. CRAWFORD. Mr. Speaker, I thank the chairman for his leadership on this. Here we are again. We are here once again to speak against the Biden administration's new waters of the United States rule. This is a bridge too far. Since this issue last appeared on the House floor, a Federal judge blocked the rule, as the chairman mentioned, in 26 States.

It seems that even our judicial system is signaling this is a vast overstep of Federal jurisdiction. Yet, President Biden is insistent on pushing this resolution through. There are already State and local laws in place to protect our waterways, and these entities are much better equipped to oversee small, isolated bodies of water.

All this change does is create more red tape for farmers, ranchers, and landowners. What it does not do, it doesn't make our waterways any cleaner.

Mr. Speaker, I urge my colleagues to support this measure and give the power back to the States.

Mr. LARSEN of Washington. Mr. Speaker, I include in the RECORD the following letter from 111 organizations opposed to overriding the veto of this Congressional Review Act resolution.

APRIL 17, 2023.

Re: Vote NO on the veto override of H.J. Res. 27, the Congressional Review Act joint resolution of disapproval of the Revised Definition of the "Waters of the United States".

DEAR REPRESENTATIVE: On behalf of our members and supporters, the undersigned organizations urge you to oppose the attempt to override President Biden's veto of H.J. Res. 27, the Congressional Review Act (CRA) joint resolution of disapproval targeting the Revised Definition of the "Waters of the United States" rule (Clean Water Restoration Rule). This dangerous legislation would invalidate the Biden administration's recently finalized regulation, which ensures protections for many of the waters that our families and communities value and depend on.

This Clean Water Restoration Rule ensures that critical waters—from small streams to rivers to wetlands—are protected from unregulated pollution and destruction when they have important downstream effects on water quality. The rule is a return to a fa-

miliar approach that the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE) have used to identify waters that qualify as "waters of the United States" since President George W. Bush's administration. It also resoundingly rejects the Trump-era approach, which unlawfully and unscientifically rolled back the Clean Water Act's long standing protections and reinstates basic safeguards to ensure big polluters can be stopped from recklessly and indiscriminately bulldozing our wetlands and dumping waste into our streams. The Clean Water Restoration Rule is grounded in science, which demonstrates that the condition of waters often depends on water bodies upstream, and those upstream waters must be protected to safeguard the health of downstream communities and the environment. The rule will more effectively fulfill the purpose of the Clean Water Act: "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters."

By using the Congressional Review Act to attack the Clean Water Restoration Rule, H.J. Res. 27 is employing an incredibly blunt tool in a dangerous attempt to undermine the Clean Water Act itself. When a rule is undone using the CRA process, future administrations are prevented from issuing rules that are "substantially the same," which could undermine future agency action to the benefit of polluters. Despite rhetoric that this bill is being promoted to provide certainty for businesses and other stakeholders, it would actually do the opposite. For instance, should H.J. Res. 27 become law, both protections and exemptions codified in the Clean Water Restoration Rule, including ones for the agriculture industry, could be called into question in future efforts designed to define "waters of the United States." The only stakeholders who benefit from this attack on our clean water protections are big polluters who dump waste into our waterways and burden our families and communities with the health and environmental costs.

Again, we ask you to oppose the veto override of H.J. Res. 27, the CRA joint resolution disapproving of the Biden-Harris administration's Revised Definition of the "Waters of the United States." This harmful bill is simply a polluter-driven effort to undermine the Clean Water Act and the critical safeguards that it provides for our waters. Congress should be doing more, not less, to protect our waterways and to ensure that everyone, no matter their race, zip code, or income, has access to clean, safe water.

Sincerely,

350.org; A Community Voice; Alabama Rivers Alliance; Alaska Community Action on Toxics; Alliance for the Great Lakes; Alliance of Nurses for Healthy Environments; American Geophysical Union; American Public Health Association; American Rivers; American Sustainable Business Network; Amigos Bravos; Anthropocene Alliance; Appalachian Trail Conservancy; Asociación de Residentes de La Margaita, Inc.; Atchafalaya Basinkeeper; Black Millennials 4 Flint; Cahaba River Society; California Environmental Voters; Center for a Sustainable Coast; Center for Biological Diversity.

Center for Environmental Transformation; Chesapeake Bay Foundation; Children's Environmental Health Network; Clean Water Action; Clean, Healthy, Educated, Safe & Sustainable Community, Inc.; Coalition for Wetlands and Forests; Committee on the Middle Fork Vermilion River; Community In-Power and Development Association Inc. (CIDA Inc.); Concerned Citizens for Nuclear Safety; Concerned Citizens of Cook County (Georgia); Conservation Alabama; Earthjustice; Endangered Habitats League;

Environment America; Environment Maine; Environment Michigan; Environment Minnesota; Environment Montana; Environment Nevada.

Environment New Hampshire; Environment New York; Environment Ohio; Environment Rhode Island; Environment Texas; Environmental Law & Policy Center; Environmental Working Group; Food & Water Watch; For Love of Water (FLOW); Freshwater Accountability Project; Freshwater Future; Friends of Buckingham; Friends of the Mississippi River; Gila Resources Information Project; Greater Edwards Aquifer Alliance; Greater Neighborhood Alliance of Jersey City, NJ; Green Latinos; Groundswell Charleston SC; Gullah/Geechee Sea Island Coalition; Harpeth Conservancy.

Healthy Gulf; Hispanic Federation; Idaho Rivers United; Illinois Council of Trout Unlimited; Kentucky Waterways Alliance; Izaak Walton League of America; Lake Erie Waterkeeper; Lake Pepin Legacy Alliance; Lawyers for Good Government (L4GG); League of Conservation Voters; Lynn Canal Conservation; Maine Conservation Voters; Malach Consulting; Michigan League of Conservation Vote; Milton's Concerned Citizens; Milwaukee Riverkeeper; Mississippi River Collaborative; Missouri Confluence Waterkeeper; Montana Conservation Voters; MS Communities United for Prosperity (MCUP).

National Wildlife Federation; Natural Heritage Institute; Natural Resources Defense Council; NC Conservation Network; NC League of Conservation Voters; New Mexico Climate Justice; New Mexico Environmental Law Center; New York League of Conservation Voters; Northeast Ohio Black Health Coalition; Northeastern Minnesotans for Wilderness; Ohio Environmental Council; Ohio River Foundation; Our Children's Earth Foundation; Park Watershed; Patagonia Area Resource Alliance; PES; Rapid Creek Watershed Action; Renewal of Life Trust.

River Network; Save the Illinois River, Inc.; STIR; Serene Wildlife Sanctuary LLC; Sierra Club; Southern Environmental Law Center; Surfrider Foundation; The Clinch Coalition; The Water Collaborative of Greater New Orleans; Tookany/Tacony-Frankford Watershed Partnership; Virginia League of Conservation Voters; Washington Conservation Action; Waterkeepers Chesapeake; Weequahic Park Association; Winyah Rivers Alliance.

Mr. LARSEN of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. ROUZER), the cosponsor of the resolution and the chairman of the Water Resources and Environment Subcommittee.

Mr. ROUZER. Mr. Speaker, I rise in support of the override of President Biden's veto of this resolution, which I was proud to introduce alongside and with Chairman SAM GRAVES. Of course, this repeals the EPA's new waters of the U.S. rule.

Mr. Speaker, I certainly recognize that this administration has never seen an onerous rule it didn't like, but the President's veto of this resolution reversing one of the Federal Government's most egregious rules to date really takes the cake.

This resolution passed in both Chambers with a bipartisan vote, yet the President and his administration refuse to even consider the devastation

this new WOTUS rule, if ultimately left intact by the courts, will cause.

This new rule, with all its ambiguity, and therefore subjectivity, was issued mere months before the Supreme Court is anticipated to decide in *Sackett v. EPA*, a decision all but guaranteed to update the definition of the WOTUS once again, making this mud puddle of complexity even muddier.

While this is clear to many Members on both sides of the aisle here in Congress, this administration continues to bow down to the demands of radical environmentalists while ignoring the commonsense calls to revoke this misguided rule.

Unfortunately, the inconsistencies so many of us have said would result from this rule has already begun. Last week, a U.S. district court judge issued a preliminary injunction on the rule after 24 attorneys general filed suit. However, this only applies in those 24 States, as well as Texas and Idaho following action within their own courts. This means half of the country is currently subject to the rule and the other half is not.

I am disappointed North Carolina's attorney general did not join that effort. In North Carolina's Seventh Congressional District that I have the honor to represent, storms can bring very heavy rains, and with creeks, streams, and rivers everywhere throughout the landscape, water lingering for short periods of time could easily be classified as a WOTUS, depending on the viewpoint of the bureaucrat making the judgment. Heavy fines, litigation, and even prosecution can and does result.

Further, the overregulation and broad scope of interpretations of this rule have grave implications for cattle, poultry, and hog farmers in North Carolina. These farmers are often victims of environmentalists and trial lawyers looking for a gotcha moment in their quest to upend the efficiency and sustainability of our food system. This WOTUS rule puts a target on their backs, and it is why my colleagues on the other side of the aisle that also represent strong agricultural communities supported this resolution.

Mr. Speaker, this vote today is an opportunity for our legislative body to exercise one of its most basic but fundamental responsibilities, to serve as a check on the executive branch when it goes against the will and interests of the American people.

Mr. Speaker, this WOTUS rule clearly does that. I urge my colleagues to support this override of the President's veto.

Mr. LARSEN of Washington. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the distinguished ranking member for the time, and I also thank the managers who are on the floor today.

Let me clarify the reason for my being present as a member of the

Homeland Security Committee, and one who has dealt with the issues by way of national security issues of water chemical contamination.

I rise with great opposition to H.J. Res. 27.

Let me call the roll: Flint, Michigan; Jackson, Mississippi; East Palestine, which it is known that the derailment also contaminated water; and cancer clusters in Houston where runoffs were contaminating the water.

Let me give you the basis of what this is about. The rule that we are trying to oppose reestablishes critical protections for the Nation's vital water resources by returning to the long-standing 1986 regulations with appropriate updates, exclusions, and streamlining clarifications.

In fact, the plain statement is that H.J. Res. 27 would leave Americans without a clear waters of the United States definition, which deals with the overall question of clean water.

Mr. Speaker, I oppose it because it does clarify the categories of water bodies and wetlands that would be subject to government protection under the Clean Water Act. People are suffering across America.

Mr. Speaker, to my good friend with the lawsuit by 24 States—we have 50 States. It is very clear that my good friends in the red States, the AGs, thought that they would undermine the President's direction on clean water.

H.J. Res. 27 would carelessly bind the hands of Federal agencies working to protect our country's water supply and quality while creating instability for farmers and developers. This does not work.

If H.J. Res. 27 was to become law, it may have a detrimental effect on the Clean Water Act, a law that prohibits the discharge of pollutants into our country's rivers and safeguards the quality of our water resources.

We are a smart and big country. We can definitely find ways to help our farmers. We are getting ready to do the farm bill. We definitely can find ways to help those who engage in economic development.

It is important to prevent this joint resolution in order to maintain the Clean Water Act because the CWA places restrictions on the number of pollutants that can be emitted and mandates that any plant that releases pollutants into U.S. waters acquire a permit.

□ 1430

Mr. Speaker, is that too onerous?

I heard someone use that term "to save lives" and to prevent babies from having an impact by drinking this water and having distorted growth.

The Clean Water Act also permits the use of Federal funding to support the construction and maintenance of water treatment facilities by local governments and other organizations. I can tell you, Mr. Speaker, Houston, Texas, needs those resources, and so do other

cities. I would hate to undermine those resources.

The Clean Water Act has been an essential tool for preserving the health of U.S. water resources and for ensuring that Americans have access to clean, safe water.

By establishing standards, funding infrastructure projects, and promoting monitoring research activities, the Clean Water Act has been a significant factor in preserving and enhancing Houston's water quality.

I have worked with the Army Corps of Engineers. They listen. If they speak up and say that this is the framework which we need and the EPA, as well, that has been on front lines of contamination, that seems to be the call of the day because our good friends in corporate America, trains, and otherwise, seemingly don't listen.

Believe me, Mr. Speaker, I just rode in on a train. I believe in that mode of opportunity and transportation. Let's have everyone be fair and responsible to what we have to do to protect the water of this Nation.

The Clean Water Act was enacted in 1972. According to the EPA, the number of water bodies in the U.S. that were safe for fishing and swimming has increased from 36 percent to over 60 percent.

When you have something that is working, Mr. Speaker, why are you undermining it?

So I am clearly in the position to say that in 2019 the EPA awarded \$4.2 million to the city of Houston to fund projects aimed at improving water quality and storm water management.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. LARSEN of Washington. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman for yielding me additional time.

Mr. Speaker, we advocated for that management. We have hurricanes. And when we have hurricanes, we are always subject to the system not being able to hold the water and contamination is a possibility.

According to the Houston Public Works Department, the city's wastewater treatment plant treats an average of 304 million gallons of wastewater per day. These treatment plants are required to meet strict standards.

I will say that all cities and counties we are all working to maintain clean water. We have a situation that we are working on in my local community of Houston, wastewater and sewage.

What do you think we would do, Mr. Speaker, without the Clean Water Act?

Please don't undermine us. Don't undermine us and the local people. Listen to the roll call: Flint; Jackson, Mississippi; East Palestine; and many others.

Let us oppose this particular H.J. Res. and let us recognize that we have the responsibility. If we are doing nothing else, we have got to be respon-

sible with H.J. Res. 27, opposing it, so that we can stand up for the children of this Nation.

Mr. Speaker, I ask my colleagues to oppose H.J. Res. 27.

Mr. Speaker, I rise in strong opposition of H.J. Res. 27—Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Army, Corps of Engineers, Department of Defense and the Environmental Protection Agency relating to "Revised Definition of 'Waters of the United States'".

H.J. Res. 27 is specifically intended to oppose the "Revised Definition of 'Waters of the United States'" rule, which clarifies and broadens the categories of water bodies and wetlands that would be subject to government protection under the Clean Water Act.

In 2019, the EPA awarded over \$4.2 million to the city of Houston to fund projects aimed at improving water quality and stormwater management.

According to the Houston Public Works department, the city's wastewater treatment plants treat an average of 304 million gallons of wastewater per day.

These treatment plants are required to meet strict standards set by the Clean Water Act, which helps ensure that the water discharged from the plants is safe for the environment and public health.

The EPA has identified several bodies of water in the Houston area as "impaired" due to pollution, including parts of the Buffalo Bayou and Galveston Bay. However, thanks in part to the Clean Water Act, the overall water quality in the area has improved over the past few decades.

According to a report by the Natural Resources Defense Council, the Clean Water Act has helped prevent an estimated 230,000 cases of childhood gastrointestinal illness in Texas each year by reducing water pollution.

It is important to oppose this resolution because H.J. Res. 27 will be the sixth attempt at weakening the Clean Water Act.

Over many years, Republicans in Congress and industry groups argued that the restrictions were overly broad and would have negatively impacted farmers, ranchers, and other businesses by subjecting more waters to federal regulation under the Clean Water Act.

H.J. Res. 27 will carelessly bind the hands of federal agencies working to protect our country's water supply and quality. We need to help farmers have clean water with effective oversight.

If H.J. Res. 27 were to become law, it may have a detrimental effect on the Clean Water Act (CWA), a law that prohibits the discharge of pollutants into our country's rivers and safeguards the quality of our water resources.

It's important to prevent this joint resolution in order to maintain the Clean Water Act because the CWA places restrictions on the number of pollutants that can be emitted and mandates that any plant that releases pollutants into US waters acquire a permit.

The Clean Water Act also permits the use of federal funding to support the construction and maintenance of water treatment facilities by local governments and other organizations.

The Clean Water Act has been an essential tool for preserving the health of US water resources and for ensuring that Americans have access to clean, safe water.

By establishing standards, funding infrastructure projects, and promoting monitoring

and research activities, the Clean Water Act has been a significant factor in preserving and enhancing Houston's water quality.

According to the Environmental Protection Agency (EPA), since the Clean Water Act was enacted in 1972, the number of water bodies in the U.S. that are safe for fishing and swimming has increased from 36 percent to over 60 percent.

However because to statutory exclusions for routine farming, forestry, and ranching activities as well as for the building and upkeep of farm and stock ponds and irrigation ditches, farmers are mainly exempt from the Clean Water Act's regulatory requirements.

Less than 1 percent of all permits issued under Section 404 of the Clean Water Act are for agricultural purposes.

Yet, this resolution will abolish elements of the Biden rule intended to provide farmers further advantages, such as the recodification of the previous converted cropland exclusion and new regulatory exclusions for specific ditches, irrigated regions, such as rice fields and erosional features.

Eliminating these agricultural exclusions will increase uncertainty rather than decrease it.

In addition, The Biden regulation reinstates the same scientifically based standards that have been used for decades by every presidential administration, including originally the Trump administration.

I would like to thank Biden Administration for keeping those rules in place that helps the resident of Houston to have a better water quality and help farmers to maintain the productivity of their land and support sustainable agricultural practices.

As a Senior member of the Infrastructure Protection Subcommittee, I urge my colleagues to oppose H.J. Res. 27 so we may keep defending the water's purity and the health of our citizens.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DUARTE), who is somebody who personally knows how disruptive this rule can be.

Mr. DUARTE. Mr. Speaker, I wish we were here talking about clean water. We can all agree, as we did back in 1974 when we passed the Clean Water Act and we gave the government all it needed to deliver clean water to America, the rivers no longer burn. Trains do fall in rivers, but that is a jurisdictional river. That is not what we are talking about today.

What we are talking about today is how much dry land, how much farmland, and how much rolling hills and grassy fields with no frogs, no fish, and no water most of the year are going to be regulated by this administration.

Back when we passed the Clean Water Act, it was bipartisan. Republicans and Democrats got together, and we gave the government jurisdiction to protect our clean drinking water. Our harbors, our rivers, and our streams are protected. Our lakes are protected. Our drinking water is protected. Nothing here today will have any impact on whether we have safe drinking water or not.

As a farmer, I was prosecuted under the Clean Water Act for planting wheat in a wheat field that had been planted

to wheat with the same practices many times before. What we are talking about here today is expanding the authorities of the Clean Water Act to regulate almost every activity—construction, farm production, energy exploration—that can happen on open fields that might from one time or another pocket a little bit of water.

When I went through delineation on my property, it took 2 years just to get enough rain to be able to tell where the wetlands were under the previous clean water rule.

So let's not pretend this is about clean water. This is about government control of land, it is about affordable food, and it is about affordable housing. It is about use of our lands by private landowners for economic purposes.

What we are doing today here is telling the President that he didn't have authority to do this back in 1974, and he doesn't have authority to do it today.

Mr. LARSEN of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to H.J. Res. 27, the Congressional Review Act joint resolution of disapproval targeting the clean water restoration rule.

Our waterways, like the mighty Hudson and Mohawk Rivers that flow through my district in New York's capital region, are key economic engines as drivers of heritage tourism and outdoor recreation, as well as cherished gathering spaces for our communities, if we indeed care for them.

The Biden administration's clean water restoration rule restores protections for the rivers, the streams, and the wetlands that constituents in all of our district areas rely upon.

I will reinstate key safeguards to stop big polluters from recklessly dumping waste into our water systems and damaging the fragile wetlands that are so crucial for the resilience of our coasts.

Importantly, the rule is grounded in science. An important fact. It restores the same science-based approach that Presidential administrations have utilized for decades to assess the conditions of upstream waters to protect the health of downstream ecosystems and communities.

Our water systems are fragile and interconnected. As an engineer, I know the importance of using a science and data-driven approach to achieve the very best results for our communities.

The dangerous legislation before us today is an attempt to overturn these finalized regulations. This is an attack on the clean water that is critical to the health of our communities, our Nation's economy, and particularly our agricultural and energy sectors.

Mr. Speaker, I urge Members to oppose it.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. BURCHETT).

Mr. BURCHETT. Mr. Speaker, I appreciate the chairman and his leadership.

Mr. Speaker, I rise in support of overriding President Biden's veto of H.J. Res. 27. Overriding the veto would get rid of a Biden administration rule that hurts American landowners, small business owners, and farmers.

Back in 2020, the EPA addressed a longstanding problem. It got rid of a broad and confusing definition of waters of the United States, also known as WOTUS, and replaced it with a definition that was much more specific and easier to understand. But no good deed is left unpunished.

Mr. Speaker, landowners need to know if their body of water meets the definition of a WOTUS, because if it does, then it is subject to much, much stricter environmental regulations.

Of course, the Biden administration is doing what it does best, and it is messing up the situation.

It is like my dad used to say about education: The problem we have with education is we called in the people who created the problem to fix it.

That is what they are doing.

It repealed that clear definition of a WOTUS from 2020 and replaced it with a more confusing and ambiguous one. This means a lot more landowners, small business owners, and farmers will need to hire expensive lawyers and consultants just to figure out if their body of water now qualifies as a WOTUS. This is another example of bringing in the bureaucrats to fix a problem that they have created.

A lot of my constituents are farmers and landowners, of course. Many are both of those. It is hard enough for them to take care of their land and follow these crazy environmental regulations without adding the burden of trying to figure out what these regulations are in the first place.

Basically what we have done is we have taken this away from the mom and pop farmers, the people who have inherited the land and who respect the land. No one respects the land more than a farmer, Mr. Speaker. We are replacing it with multinational globalist corporations who control politicians like the puppet masters that they are.

This administration needs to stop throwing bureaucracies at every situation it can get its hands on.

Mr. Speaker, it just doesn't work. This time it will hurt Americans who work hard to take care of their land and their businesses.

Mr. LARSEN of Washington. Mr. Speaker, before I reserve my time, I want to state, again, for the record, that the Federal courts blocked the implementation of the previous administration's navigable waters protection rule. It wasn't this administration.

In response to that, the administration developed a new rule, this particular one that we are debating today. So it needs to be said for the record that the Federal courts made a decision about the previous administra-

tion's rule, not this particular administration.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WILLIAMS).

Mr. WILLIAMS of New York. Mr. Speaker, the redefinition of these waters of the United States rules is really only about one thing, and that is Government overreach.

When faced with a crisis, the Government is given a broad mandate and loves very vague rules.

Just recently, we remember the incredible rules of the COVID crisis and the extraordinary powers granted to Government to effect this crisis.

Mr. Speaker, if you remember the definition of essential businesses, essential personnel, essential services, then you have some idea really of what the waters of the United States redefinition desired by activist courts and desired by current administration means.

You can imagine the effect it will have on our lives, Mr. Speaker.

The Clean Water Act was a broad power given in 1974 to clean up polluted waterways.

Guess what, Mr. Speaker?

It worked. We have clean waters and clean rivers. It has been an extraordinary success since the high point of pollution in the 1970s. With a government that is hungry for power, as we learned most recently in COVID, bureaucrats remembered that vague rules allow for extraordinary powers. You are not a farmer; you are a polluter. You are not a homeowner; you are a polluter. You are not a home builder; you are a polluter. You are guilty until proven innocent.

My colleagues across the aisle say that this provides clarity, and it does.

But clarity for whom?

This rule provides clarity only to EPA regulators who will have extraordinary authority. It doesn't provide clarity to homeowners, farmers, and home builders.

Mr. LARSEN of Washington. Mr. Speaker, I continue to reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PERRY), who is the chairman of the Economic Development, Public Buildings, and Emergency Management Subcommittee.

Mr. PERRY. Mr. Speaker, I thank the chairman for his leadership on this issue.

Mr. Speaker, let's be clear. We are not talking about the Clean Water Act. We are talking about the waters of the United States of America, Mr. Speaker, and definitionally what has happened here is the administration didn't like what was in the rule and the regulations, and it has changed the definition.

They didn't like it, so they changed the definition such that under this rule, nearly every single property

across the entire United States that is subject to one drop of rain is now open to enforcement by the Federal Government—not your State government, and not your local government—the Federal Government coming in to tell you that you are a polluter and that you are misusing your land because a drop of rain landed on it.

People say: Oh, you don't really mean a drop of rain.

Yes, I do mean a drop of rain. You see, Mr. Speaker, it is the EPA that will determine the definition on a case-by-case basis arbitrarily, which is what they want.

That is why it is important that we override the President's veto.

You see, Mr. Speaker, he didn't veto on behalf of the United States of America. The United States of America sent the people to this Chamber to vote on what they wanted, and we passed the Congressional Review Act to say that we don't want the definition changed.

The President doesn't like that.

Half of the bureaucrats who work in Washington, D.C., probably don't even have a yard. They probably live in a high-rise. They don't even have grass, but yet they are going to tell you how you are going to live your life and how you are going to use your land based on the Federal Government's rule.

Threats of imprisonment under ambiguous terminology and threats of financial ruin is what belies this bill and the American people if we allow this to go.

Mr. Speaker, I urge adoption. We must override the President's veto. We must stand for the American people and individual property rights which are the bedrock and the foundation of the United States of America.

□ 1445

Mr. LARSEN of Washington. Mr. Speaker, I yield myself 1 minute just to clarify that if this passes and we override the veto message, the end result will be reverting to a rule that was created around 2007, 2008, not the last administration's rule but another rule that I don't think either side likes.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mrs. BICE).

Mrs. BICE. Mr. Speaker, President Biden's waters of the United States rule seeks to insert the Federal Government into every stream, pond, and ditch in America, even those on private property.

When I am back in Oklahoma, I regularly hear from farmers, ranchers, energy producers, and small businesses about their concerns with the Biden administration's WOTUS rule.

For my constituents, it is absolutely unthinkable that a Federal bureaucrat from Washington would come on their private property to regulate an intermittent stream that may only have water in it for a few days a year. This is a huge overreach.

It is also worth noting that regulations such as WOTUS, along with others from Federal, State, and local governments, account for up to 25 percent of the price of a new single-family home and over 40 percent for a multi-family development.

Under WOTUS, the significant nexus test would result in increased regulatory uncertainty for Oklahomans. Furthermore, the ambiguous nature of its policies will further delay vital projects on strict timelines.

Despite bipartisan opposition to the WOTUS rule, President Biden still elected to veto the resolution.

American families, farmers, and small businesses are suffering under the economic crises caused by President Biden's policies. The last thing they need is more burdensome regulations.

Today's vote to overturn Biden's veto would empower local landowners instead of giving power to unelected Federal bureaucrats.

Mr. Speaker, I urge my colleagues to support the resolution.

Mr. LARSEN of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MANN).

Mr. MANN. Mr. Speaker, I rise today in support of the farmers, ranchers, agricultural producers, and independent oil and gas producers that have been forced to operate their businesses under three different definitions of the word "water" in the past 10 years alone.

Congress has spoken clearly on this issue. President Biden received a bicameral, bipartisan joint resolution of disapproval under the Congressional Review Act on his administration's flawed and burdensome waters of the United States, or WOTUS, rule. He vetoed it, and that is inexplicable. Congress, not the executive branch, was created to legislate, and it is sad that this particular example of legislating from the executive branch serves as an outrageous instance of government overreach.

While President Biden would like to federally regulate every small stream, ditch, and puddle from sea to shining sea, American producers have been the careful custodians of their own resources for centuries. They are the original conservationists, and their livelihoods already depend on their voluntary efforts to care for their own water resources.

How we vote today will speak volumes. By overriding President Biden's veto, Congress has the opportunity to stand up not only for the people who feed, fuel, and clothe us all, but also for all Americans whose businesses and private lives would be affected by this Big Government encroachment onto their property.

We can either tell Americans that we believe the Federal Government knows best, or we can tell them that the Fed-

eral Government should get out of their way and let them do what they do best. I know where I stand.

Mr. Speaker, I urge a "yes" vote.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, House Democrats have a long, proud, and successful history of supporting clean water. Last year, House Democrats successfully made historic investments in our Nation's infrastructure through the bipartisan infrastructure law, providing communities with almost \$13 billion in clean water infrastructure upgrades and creating jobs.

These clean water investments are helping everyday Americans with safe, reliable, and sustainable water and wastewater services while providing good-paying jobs that cannot be sent overseas and reinvigorating our State and local economies.

Every day, more and more Americans are realizing the public health, economic, and environmental benefits of this transformative law, benefits that will continue as additional resources are implemented across the country.

The bipartisan infrastructure law was what Congress can do at its best. This resolution is the opposite. Again, I support President Biden for his decision to veto this resolution.

My colleagues say they want certainty, and we agree, but that certainty that we support also ensures the health and safety of our environment for current and future generations. This resolution, though, provides no certainty.

I argue that it is a playbook for how to create confusion, more litigation, and continued gridlock.

This resolution provides no benefits to public health. It seeks to eliminate protections for rivers, streams, and wetlands, many of which provide drinking water for millions of Americans.

This resolution provides no benefits for our economy. It not only casts aside a time-tested, scientifically based tool to implement the Clean Water Act, but it also blocks any provision of additional clarity for businesses, farmers, and homebuilders going forward.

In short, this resolution is a step backward for clean water, and it is a step backward for certainty.

Mr. Speaker, I urge my colleagues to sustain the President's veto by voting "no" and to reject this attack on our clean water future.

Mr. Speaker, I urge a "no" vote on this resolution, and I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, the administration's definition of "waters of the United States" under the Clean Water Act is an onerous, burdensome, and ambiguous rule that is going to create even more issues for hardworking farmers, builders, small businesses, and property owners throughout the Nation.

While the President claims that the rule is going to help advance infrastructure projects, economic investment, and agricultural activities in his veto message, this simply is not the case. Instead, this costly, overreaching rule favors radical environmentalists at the expense of infrastructure, agriculture, and economic growth and those who depend on these activities.

Last month, Members from both parties in the House and Senate came together to stand up for everyday Americans by rejecting this flawed rule. Today, we have the opportunity to do so again.

Mr. Speaker, I urge my colleagues to override the President's veto and vote in support of H.J. Res. 27, and I yield back the balance of my time.

The previous question was ordered.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the joint resolution, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be by the yeas and nays.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

CONTINUATION OF THE NATIONAL EMERGENCY AND OF THE EMERGENCY AUTHORITY RELATING TO THE REGULATION OF THE ANCHORAGE AND MOVEMENT OF RUSSIAN-AFFILIATED VESSELS TO UNITED STATES PORTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 118-28)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Proclamation 10371 of April 21, 2022, with respect to the Russian Federation and the emergency authority relating to the regulation of the anchorage and movement of Russian-affiliated vessels to United States ports, is to continue in effect beyond April 21, 2023.

The policies and actions of the Government of the Russian Federation to continue the premeditated, unjustified, unprovoked, and brutal war against Ukraine continue to constitute a na-

tional emergency by reason of a disturbance or threatened disturbance of international relations of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared in Proclamation 10371.

JOSEPH R. BIDEN, Jr.
THE WHITE HOUSE, April 18, 2023.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 55 minutes p.m.), the House stood in recess.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CAREY) at 5 o'clock p.m.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, DEPARTMENT OF DEFENSE AND THE ENVIRONMENTAL PROTECTION AGENCY—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question of whether the House, on reconsideration, will pass the joint resolution (H.J. Res. 27) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Army, Corps of Engineers, Department of Defense and the Environmental Protection Agency relating to "Revised Definition of 'Waters of the United States'".

In accord with the Constitution, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 227, nays 196, not voting 11, as follows:

[Roll No. 187]

YEAS—227

Aderholt
Alford
Allen
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bean (FL)
Bentz
Bergman
Bice
Biggs
Billirakis
Bishop (GA)
Bishop (NC)
Bost
Brecheen
Buchanan
Buck

Bucshon
Burchett
Burgess
Burlison
Calvert
Cammack
Carey
Carl
Carter (GA)
Carter (TX)
Chavez-DeRemer
Ciscomani
Cline
Cloud
Clyde
Cole
Collins
Comer
Costa
Craig
Crane
Crawford
Crenshaw
Cuellar

Curtis
D'Esposito
Davis (NC)
De La Cruz
DesJarlais
Diaz-Balart
Donalds
Duarte
Duncan
Dunn (FL)
Edwards
Ellzey
Emmer
Estes
Ezell
Fallon
Feenstra
Ferguson
Finstad
Fischbach
Fitzgerald
Fleischmann
Flood
Foxx

Franklin, C.
Scott
Fry
Fulcher
Gaetz
Gallagher
Garbarino
Garcia, Mike
Gimenez
Golden (ME)
Gonzales, Tony
Gonzalez,
Vicente
Good (VA)
Gooden (TX)
Gosar
Granger
Graves (LA)
Graves (MO)
Green (TN)
Greene (GA)
Griffith
Grothman
Guest
Guthrie
Hageman
Harris
Harshbarger
Hern
Higgins (LA)
Hill
Hinson
Houchin
Hudson
Huizenga
Hunt
Issa
Jackson (TX)
James
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Kean (NJ)
Kelly (MS)
Kelly (PA)
Kiggans (VA)
Kiley
Kim (CA)
Kustoff
LaHood

LaLota
LaMalfa
Lamborn
Langworthy
Latta
LaTurner
Lawler
Lee (FL)
Lee (NV)
Lesko
Letlow
Loudermilk
Lucas
Luetkemeyer
Luna
Luttrell
Mace
Malliotakis
Mann
Massie
Mast
McCauley
McClain
McClintock
McCormick
McHenry
Meuser
Miller (IL)
Miller (OH)
Miller (WV)
Miller-Meeks
Mills
Molinaro
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Moran
Murphy
Nehls
Newhouse
Norman
Nunn (IA)
Oberholte
Ogles
Owens
Palmer
Panetta
Pence
Perry
Pfluger
Posey
Reschenthaler

Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Rutherford
Salazar
Santos
Scalise
Schweikert
Scott, Austin
Scott, David
Self
Sessions
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spartz
Staubert
Steel
Stefanik
Steil
Steube
Stewart
Strong
Tenney
Tiffany
Timmons
Turner
Valadao
Van Drew
Van Dyne
Van Orden
Wagner
Walberg
Waltz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams (NY)
Williams (TX)
Wilson (SC)
Wittman
Womack
Yakym
Zinke

NAYS—196

Adams
Aguilar
Allred
Auchincloss
Balint
Barragan
Beatty
Bera
Beyer
Blumenauer
Blunt Rochester
Bonamici
Bowman
Boyle (PA)
Brown
Brownley
Budzinski
Caraveo
Carbajal
Cárdenas
Carson
Carter (LA)
Cartwright
Casar
Case
Casten
Castor (FL)
Castro (TX)
Cherfilus-
McCormick
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleave
Clyburn
Cohen
Connolly
Correa
Courtney
Crockett
Crow
Davids (KS)
Davis (IL)

Dean (PA)
DeGette
DeLauro
DelBene
Deluzio
DeSaulnier
Dingell
Doggett
Escobar
Eshoo
Espallat
Fitzpatrick
Fletcher
Foster
Foushee
Frankel, Lois
Frost
Gallego
Garamendi
Garcia (IL)
Garcia (TX)
Garcia, Robert
Goldman (NY)
Gomez
Gottheimer
Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Hoyle (OR)
Huffman
Ivey
Jackson (IL)
Jackson (NC)
Jackson Lee
Jacobs
Jayapal
Jeffries
Johnson (GA)

Kamlager-Dove
Kaptur
Keating
Kelly (IL)
Khanna
Kilmer
Kim (NJ)
Krishnamoorthi
Kuster
Landsman
Larsen (WA)
Larson (CT)
Lee (PA)
Leger Fernandez
Levin
Lieu
Lofgren
Lynch
Magaziner
Manning
Matsui
McBath
McClellan
McCollum
McGarvey
McGovern
Meeks
Menendez
Meng
Mfume
Moore (WI)
Morelle
Moskowitz
Moulton
Mrvan
Mullin
Nadler
Napolitano
Neguse
Nickel
Norcross
Ocasio-Cortez
Omar
Pallone