

WEAKENING PROTECTIONS FOR WETLANDS AND WATERWAYS

Passed: 53-43

SUMMARY:

The Senate passed a resolution that would have weakened Clean Water Act protections for wetlands and waterways by revoking a revised regulatory definition of “Waters of the United States.” (*March 29, 2023, Roll Call No. 79*).

BACKGROUND:

The Clean Water Act, one of our nation’s most important environmental laws, plays a critical role in protecting aquatic habitats from harmful pollutants. The exact scope of waters protected by this act has been a matter of contentious debate for decades. In 2015, the Environmental Protection Agency and Army Corps of Engineers promulgated the Clean Water Rule to clarify which bodies of water are covered. Relying on significant scientific analyses demonstrating the connections between navigable waters, tributaries and wetlands, the rule affirmed protections for the majority of the nation’s streams and millions of acres of wetlands. In 2020, the Trump administration published a new rule, nicknamed the Dirty Water Rule, because it drastically narrowed down the list of water bodies protected by the Clean Water Act.

In January of 2023, the Biden Administration finalized a Clean Water Restoration Rule to effectively repeal former President Trump’s rollbacks of critical clean water protections and reinstate longstanding regulatory definitions used by the Army Corps of Engineers and Environmental Protection Agency. This action enables the agencies to protect waterways from unregulated pollution and destruction that will negatively alter aquatic habitats and water quality.

In the 118th Congress, the House and Senate used the Congressional Review Act (CRA) to revoke several new federal agency environmental regulations. CRA resolutions signed into law also block agencies from issuing substantially similar rules in the future. In the House, Representative Sam Graves (R-Mo.), introduced H.J. Res. 27, a joint resolution to revoke President Biden’s revised Waters of the United States rule.

OUTCOME:

On March 29, 2023, the Senate passed H.J. Res 27, 53-43. President Biden vetoed the CRA on April 6, 2023. “Nay” was the pro-conservation vote.