

Now his sons are replicating that in my State of Oregon, where we abide by the laws. Yes, we disagree over a lot of Federal policies, but we abide by the laws.

It is time for the Justice Department to take some action. Wake up down there.

#### RECOGNIZING LYNNEL RUCKERT

(Mr. SCALISE asked and was given permission to address the House for 1 minute.)

Mr. SCALISE. Mr. Speaker, when building a strong team, you need a strong leader. Lynnrel Ruckert has been that strong leader.

As my chief of staff, Lynnrel has also been an ally and a friend since the very first day I arrived in Congress. Whether it has been the whip team, the Republican Study Committee, or Louisiana's First Congressional District, under her guidance, strong leadership, and relentless drive, Lynnrel played a crucial role in delivering countless conservative victories for both our country and Louisiana.

I wouldn't be where I am today without Lynnrel Ruckert. I am and will forever be grateful for Lynnrel's dedication and unwavering commitment to our Team Scalise family.

Every day, she made the extra effort to bring a little Louisiana to Washington. We call it lagniappe. There was not a day that went by where she didn't wear a fleur-de-lis or some other symbol of our great State of Louisiana that we both love.

Lynnrel, you will be truly missed. I wish you, Kyle, and the whole Ruckert family all the best as you enter this new, exciting chapter in your life back home in Louisiana.

□ 0915

#### CONGRATULATIONS TO THE SEATTLE SEAHAWKS

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, I take the floor today to congratulate the fans of the Seattle Seahawks.

You see, I talked with my good friend Congresswoman SUZAN DELBENE and told her that the Minnesota Vikings were for sure going to beat the Seahawks.

She said: Well, if you really believe that, why don't you agree to come down to the House floor if they don't, and I will come down to the House floor if they do.

For three quarters, I was right, Mr. Speaker. The Vikings shut the Seahawks out completely. But in the fourth quarter, through luck—and this is the real skill of the Seahawks, by the way—the center throws one over the head of the quarterback.

The quarterback runs 20 yards back. It looks like he is just going to fall on it, but he picks it up, finds an open

man, hits him, and then the guy almost scores, and then, on the next play, they do.

Then, after that, the leading rusher in the NFL, A.P.—Adrian Peterson—drops a pass and fumbles it and then they get the ball and kick a field goal. We are now 9–10.

Even still, the Vikings were about to win, Mr. Speaker, but the lucky, lucky Seahawks saw our excellent field goal kicker miss one, although he has been making them all year long.

So I am here to congratulate the Seahawks as the luckiest team in the NFL.

#### PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE CORPS OF ENGINEERS AND THE ENVIRONMENTAL PROTECTION AGENCY

Mr. GIBBS. Mr. Speaker, pursuant to House Resolution 583, I call up the joint resolution (S.J. Res. 22) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Corps of Engineers and the Environmental Protection Agency relating to the definition of "waters of the United States" under the Federal Water Pollution Control Act, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. JENKINS of West Virginia). Pursuant to House Resolution 583, the joint resolution is considered read.

The text of the joint resolution is as follows:

##### S.J. RES. 22

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress disapproves the rule submitted by the Corps of Engineers and the Environmental Protection Agency relating to "Clean Water Rule: Definition of 'Waters of the United States'" (80 Fed. Reg. 37054; June 29, 2015), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. GIBBS) and the gentleman from Oregon (Mr. DEFAZIO) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

##### GENERAL LEAVE

Mr. GIBBS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on S.J. Res. 22.

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

There was no objection.

Mr. GIBBS. Mr. Speaker, I yield myself such time as I may consume.

The question of what is and is not waters of the United States has been the subject of debate for many decades. The reason this question is so important and contentious is because, if water or land is Federal, it is subject to regulation by the Federal Government.

The Clean Water Act was originally intended as a cooperative partnership between the States and the Federal Government, with the States being primarily responsible for the elimination and prevention of water pollution and the oversight of waters within their borders.

This successful partnership has given rise to monumental improvements in water quality throughout the Nation since the Clean Water Act's enactment in 1972 because not all waters need to be subject to Federal jurisdiction.

Following the Supreme Court's decision of SWANCC and Rapanos, determining the appropriate scope of jurisdiction on the Clean Water Act has been confusing and unclear. Both the regulated community and the Supreme Court called for a rulemaking that would provide this needed clarity. The EPA and the Army Corps of Engineers voluntarily undertook a rulemaking to respond to the need for clarity, and that is when things went terribly wrong.

If the agencies had taken the time to consult with the States and local governments and to actually listen up front to the issues that our States, counties, cities, and townships are facing, the agencies would not have had to admit to Congress in multiple hearings that their proposed rule created confusion and uncertainty, but they did not take this time for consultation.

If the agencies had followed the proper rulemaking process, we wouldn't have had a proposed rule that cut corners on the economic analysis, used incomplete data, and took a cursory look at the economic impacts of the rule on just one of the many regulatory programs under the Clean Water Act, but they did not follow the rulemaking process.

If the agencies had done things right, the substantive comments filed on the rule would not have been nearly 70 percent opposed to the rule.

If the agencies had done things right the first time, the Committee on Transportation and Infrastructure wouldn't have had to respond to the more than 30 States and almost 400 counties which requested the EPA withdraw or significantly revise the proposed waters of the United States rule and move H.R. 1732, a bill the House passed in May of 2015 that was a bipartisan bill, that would have sent the rule back to the agencies so they would go through the correct process.

If the agencies had properly developed the rule in a joint fashion, the Army Corps of Engineers would not have been cut out of the process and would not have had to send last-minute letters through the chain of command that questioned decisions that were being made in the final rule and that pointed out multiple issues that would make the rule nearly impossible to implement and legally questionable.

If the agencies had actually set out to clarify jurisdiction and not to simply gift themselves unlimited discretion to regulate whatever they wanted,

they would not have needed to have conspired to influence and skew the public comments during the open rule-making process or to promote and justify an agenda that the majority of States opposed and have sued to stop.

Recently, the Government Accountability Office issued a legal opinion related to its investigation of the EPA regarding the waters of the United States rule that drastically increases the agencies' authority at the expense of the States.

The GAO's findings are plain and simple: The EPA broke the law. By using social media tactics, the GAO called "covert propaganda" and "grass-roots lobbying," the EPA undermined the integrity of the rulemaking process and violated the trust of the American people.

The agencies simply did not do things right. In fact, they did things very, very wrong. And now we have a rule on the books that is reflective of a completely flawed process.

Today the waters of the United States rule goes far beyond merely clarifying the scope of the Federal jurisdiction under Clean Water Act programs. It vastly expands Federal power. The clarity this rule provided is simple: Everything is Federal.

The rule misconstrues and manipulates the legal standards announced in the SWANCC and Rapanos Supreme Court cases, effectively turning those cases that placed limits on the Federal Clean Water Act jurisdiction into a justification for the agencies to expand their assertion of Federal authority over all waters and wet areas nationally.

The agencies chose to write many of the provisions in the proposed rule vaguely in order to give Federal regulators substantial discretion to claim Federal jurisdiction over most any water or wet area whenever they want.

This vagueness will continue to lead the regulated community without clarity and certainty as to their regulatory status and leaves them exposed to citizen lawsuits and massive government fines.

In addition, since many of these jurisdictional decisions will be made on a case-by-case basis, they will give the Federal regulators free rein to find jurisdiction.

This rule, in essence, establishes a presumption that all waters are jurisdictional and shifts the burden to prove they are not to the property owners and to others in the regulated community. This rule will set a very high bar for the regulated community to overcome.

The administration even explicitly acknowledged that it wants maximum discretion in its Statement of Administration Policy for H.R. 1732, stating that it opposed the bill because it would constrain the agencies' regulatory discretion.

The rule undermines the successful Federal-State partnership and erodes State authority by granting sweeping,

new Federal jurisdiction to waters never intended for regulation under the Clean Water Act.

In justifying the need for this rule, the agencies claimed that massive amounts of wetlands and stream miles are not being protected by the States and that this rule is needed to "protect" them.

Yet, the agencies continue to claim that no new waters would be covered by the rulemaking, which raises the question of how the rule can protect these supposedly unprotected waters without vastly expanding Federal jurisdiction over them. The agencies are talking out of both sides of their mouths.

The reality is that States care about and are protective of their waters, and wetlands and stream miles are not being left unprotected.

More than 30 States have sued the Federal Government over this rule. Who can blame them? States and local governments and the regulated community all repeatedly expressed concern that the agencies have cut them out of the process and have failed to consult with them during every step in the development of this rule.

The agencies engaged in a flawed process from the beginning, ignoring their State and local partners and ignoring each other, and gifted themselves virtually limitless authority over land in this country that could contain water.

Furthermore, they broke the law by illegally influencing both the public comment period and lobbying against congressional efforts to get them to change their course.

S.J. Res. 22 halts this appalling overreach by the executive branch. The stakes are simply too high not to act.

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

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

We are ultimately here because of a failure by the United States Congress to act. The last time Congress revisited the Clean Water Act was in 1987. There are very few Members here today who were elected at that time.

The reason we have the Clean Water Act is that—I remember a time when I was young when the Cuyahoga River caught fire because of industrial waste and when the Willamette River in my State was an open sewer because it was a convenient place to dump your municipal human waste.

It was a disaster for our country, and we decided to deal with that problem under Republican leadership, which we did quite successfully. But now we realize it is a little more complicated than just keeping out the point source pollution from industrial waste and/or municipal waste.

There are other threats to our clean water, one of the most precious things we have. Read the CIA documents or the planning by the Pentagon. Wars will be fought over water. We can't sully this precious resource, and I

think there is pretty substantial agreement on that. The question is: What, where, and how do we protect the waters of the United States?

This is incredibly confusing. We have a split Supreme Court, with contradictory decisions out of the Supreme Court, and we are now, today, living under Bush-era guidance regarding the Clean Water Act.

That unfortunately is described by people from the extremes of the debate—from the American Farm Bureau Federation to the Natural Resources Defense Council—as totally unworkable, inconsistent, incomprehensible, and it provides no certainty to farmers or to conservationists or to developers or to anybody else. That is what we are living under. We are living under those rules today.

Here is a quote from the American Farm Bureau:

A hodgepodge of ad hoc and inconsistent jurisdictional theories, which, ultimately, will result—and is resulting—in increased delays and costs to the public at large.

That is what we are living under because this new rule, which the House today will act to overturn, is not in effect. What is in effect today is Bush-era guidance.

If this legislation were to pass and become law, which it won't because the Senate has already failed to muster a veto-proof majority over there on this issue—so this is all kind of a show—the provisions of this resolution or disapproval are so broad that all of the work that went into constructing this new rule could not be replicated in any manner.

Essentially, we would be stuck forever unless we change the law, and Congress hasn't acted on the Clean Water Act for 30 years. Unless we change the law, we would be stuck forever with an ad hoc, inconsistent hodgepodge of jurisdictional theories, which are resulting in increased delays and costs to the public at large. That is the ultimate result, were this to pass and become law.

Now, I will admit that the administration caused a good deal of the problem here today. The rule, as initially promulgated by the EPA, was, I would say, turgid at best, and it caused incredible confusion. It seemed to have jurisdictional theories, et cetera, et cetera, very much like the Bush rule.

There was an uproar from Members of Congress, farmers, developers, and conservationists. Everybody had concerns about their initial rule. So what did they do? They went out and they listened. They had a massive number of comments to which they meaningfully responded, and then they found a few areas where they did make major improvements.

Do I think it is a perfect rule? No. But the courts will decide where it is adequate or inadequate, and then that would give direction to a future Congress to actually act and do its job on the Clean Water Act. That would be desirable.

It does deal with roadside ditches. There are huge concerns about roadside ditches. A good change. It has the explicit exemption of municipal separate storm sewers from the Clean Water Act. Again, that was the confusing part of their first rule.

It permanently exempts groundwater and water-filled depressions related to fill or gravel mining activities. There is a huge concern with gravel extraction activities in my State.

Also, a litany of erosional features, artificial ponds, and artificially irrigated areas were exempted from the Clean Water Act, which very explicitly and clearly benefit farmers and developers.

□ 0930

In fact, this subject came up at our joint hearing on this issue. Senator INHOFE brought this up. This was subjected to the Clean Water Act regulatory process. They wanted to turn this into a warehouse facility to develop the land. It is very marginal at best as farmland.

Army Assistant Secretary Darcy confirmed, upon a question from me, that, in fact, under her new rule and guidance, this property would be exempt; but under the Bush rule, it isn't. So they can't develop it under the Bush rule, but they could develop it under the new rule, which we seek today to overturn.

So this new rule is an improvement. Is it perfect, no. In fact, I think the courts might find it wanting in a number of ways, which would require further action by Congress. To merely say we reject it, we want to live under the Bush rule—which everybody hates and says doesn't work—forever doesn't make a lot of sense. Also, acting here today, when the Senate has already made it clear that they don't have a veto-proof majority, shows that we are wasting time.

I reserve the balance of my time.

Mr. GIBBS. Mr. Speaker, just for a little bit of clarity, H.R. 7232 that was passed out of the House, it was to rescind this proposed rule and for the agencies to start over. That is actually the position of the American Farm Bureau. They do not support this proposal. They want to start over and get a rule that does have clarity.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the Committee on Transportation and Infrastructure.

Mr. SHUSTER. Mr. Speaker, I rise today in strong support of S.J. Res. 22, the resolution of disapproval for the waters of the United States rule. The ranking member pointed out that the Bush rule creates tremendous uncertainty. He is correct, absolutely correct. We need to make sure we change it.

This rule that the President has put forward has 32 States that have filed lawsuits against it. Thirty-two States have said: no, this doesn't work.

For decades, the Federal regulators worked as partners with the States to significantly improve water quality across this country. Those situations that the ranking member talked about that happened 40 and 50 years ago aren't happening today. The States have worked very closely with the Federal Government to make sure that we have clean water, that we are protecting that precious resource we have.

Now, I will say right up front, because I know someone is going to call me out on it, the Governor of Pennsylvania did not file a lawsuit. Well, he is a liberal Democrat who has an extreme environmental agenda. He doesn't really care about the farmers of Pennsylvania, nor does he care about the building industry in Pennsylvania. This Governor is wrong on this issue.

Again, 32 States have said "no" to this rule. The Federal Government shouldn't be regulating every drop of water. Again, Pennsylvania, like every other State, is supposed to bear primary responsibility for regulating the waters within its own borders, but that will change when the EPA and the Corps of Engineers blatantly ignore Pennsylvania and the other 49 States, the limits of the Federal jurisdiction published in this rule.

The gentleman knows full well, across this country, there are protests going on, and also in the State of Oregon. The Federal Government, again, has an overreach, keeps pushing out there. This rule will be the same thing. The Federal Government will push out and reach out and do things that weren't intended to be in the law.

Just about every wet area in the country is open to Federal regulation under this rule. Jobs will be threatened, the rights of landowners and local governments will be trampled. That is the frustration out in America today. The Federal Government keeps pushing, pushing, pushing, and doing things that really don't have a significant impact on the environment or other areas of their jurisdiction, and they cause great harm to individuals out there. So that is why there is tremendous frustration in this country today.

There are clear problems with this rule. Again, the administration basically concocted this proposal in a vacuum. Pennsylvania and the other States were asked about this rule. As I said, 32 States have filed suit against it. That is significant. That is almost three-quarters of the States that have said "no" to this rule. That is a prime example, again, of why Americans are sick and tired of this.

Every day I hear from farmers, homebuilders, small businesses, and others in my district. Some farmers have said they won't be able to pass on their family farm because of the cost associated with this power grab. As I said, I have no doubt that is what is going to happen. This will continue to expand if we don't stop it here today and send a strong message to the President to, as

the subcommittee chairman said, take this rule back.

Let's start over. Let's include the States in the development of this rule-making. The EPA and the Corps need to listen to the States as partners as they have done for many, many years.

Just last night, the President of the United States stood on this House floor and talked about the need for eliminating rules that are on the books. Well, how about let's not put rules on the books that are going to cause great harm and great damage to many sectors of the economy, to many American people. This is a time when the President can show us that those words last night weren't hollow, that they were meaningful, and that he wanted to reach across the aisle. Here is a chance.

There were a number of Senators on the other side of the aisle who voted for this. The last couple of times we have passed WOTUS bills here in the House, we have had bipartisan support. Here is an opportunity for us to work together.

Again, last night we listened to the President. We heard him say some words, some words good. Again, if they are not willing to listen to the Congress on this issue, the very first order of business after he stood there last night and talked about, as I said, the need to reduce rules, as I said, how about let's not put a rule in place that is going to cause great harm to this country.

The Congressional Review Act was put in place for just this very purpose. This is an opportunity for us to all join and do exactly what the ranking member has asked for, certainty in the rule. Reject President Bush's rulemaking. Let's put a rule in place the States can support and the American people can support.

I urge all Members to support S.J. Res. 22.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Well, the chairman and I have established a good record of working together. I would love to get a commitment here to work together, to go through a full reauthorization of the Clean Water Act and clarify these many issues, what we want to protect and what we want to be excluded from the jurisdiction. The Congress has the authority to do that. I think we should undertake that. It would be very difficult.

To say that repealing this rule, which does have some clarifications of the Bush rule—that would return us to the Bush-era regulations, a hodgepodge of ad hoc and inconsistent jurisdictional theories that are resulting in an increase in delays caused to the public at large, doesn't seem like a good result. So unless we choose to act and clarify the law, that is what we are going to be stuck with.

Under this resolution, absent another specific action by Congress, they can't use any of the work that went into developing this rule or the data. It can't

be substantially the same. We would have to further authorize them to begin a new rulemaking.

There was unprecedented public comment, 207 days of public comment. There were 1 million comments received. There were 400 public meetings. There was a special consultation process for the States and local officials. Now, my State and the State of Pennsylvania apparently were pretty satisfied with that. There are other States that weren't, but maybe they didn't go to the meetings.

I yield 3 minutes to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, I rise in opposition to S.J. Res. 22, the Congressional Review Act disapproval resolution on the EPA and Corps of Engineers clean water rulemaking.

I thank my ranking member, PETER DEFAZIO, for his strong advocacy and dedicated leadership in protecting the waters of the United States.

Congress has a long history in supporting the Clean Water Act. Back in 1972, Congress overrode President Nixon's veto of the Clean Water Act, demonstrating bipartisan support for the Federal regulation of our Nation's waters.

The message was very clear: Human health would no longer take a back seat to big business. We need to protect our people. Never mind business, agriculture, and some others, what about the people who drink the water and use it for everyday purposes?

Now, more than 40 years later, we are set to vote to overturn the clean water protection rule, a rule that for the first time in over a decade provides clarity for regulated parties and protection for our Nation's rivers and streams.

What message are we sending out today? Clearly, we are not telling the American people that what water the American people have left is not worth protecting.

Mr. Speaker, when developing the clean water protection rule, the administration went to unprecedented lengths to engage with stakeholders, including ranchers, farmers, and municipalities. They held over 400 stakeholder meetings on the rule and reviewed close to a million public comments on the rule. I say public, because the public was also partly commenting on this.

It is evident that EPA and the Corps wholeheartedly considered these comments and concerns because many of the clean water rule's reforms benefit industry, agriculture, and municipalities. These reforms include limiting permits for ditches and municipal storm water sewers and codified exemptions for certain agriculture, construction, and mining activities.

Let us not forget that farmers and developers alike call the Clean Water Act's current—I am talking again about the current one—regulatory process ad hoc, inconsistent, and costly.

The rule we are attempting to overturn would keep the old Bush adminis-

tration-era confusing regulations in place and potentially prohibit the President and his future successors from developing a clean water rule in the future.

As we stand here today, I can't think of one good reason to pass this resolution. The same groups that asked for this rule actually benefited from the rule, but they are now asking us to do away with that rule. The only thing I can surmise is that those who oppose this rule would oppose any rulemaking that did not drastically limit the application of the Clean Water Act or, to put it another way, these groups are simply opposed to the Clean Water Act entirely.

In California, 99.2 percent of the population gets its water from drinking water systems that rely on water bodies protected by this rule. With numbers like that on the line, intervening now is simply reckless.

Mr. Speaker, I urge all my colleagues to join me in strong opposition to the resolution.

Mr. GIBBS. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, I thank Mr. GIBBS and certainly the entire committee, Chairman SHUSTER and others, for their work on this issue.

I rise today in strong support of this legislation. I certainly appreciate clean water.

However, the EPA's waters of the U.S. rule, or WOTUS, is one of the largest abuses of executive power in modern history and poses a significant threat to America's economy. Under the rule, the EPA and the Army Corps of Engineers will have the power to dictate land use decisions and farming practices of agricultural producers and businessowners all across the country.

To give you an idea of the scope of the overreach and to illustrate why my colleagues from urban districts should also be concerned about this rule, I want to share with you an example of EPA and the Army Corps' abuse in Douglas County, Nebraska, with a population of over 500,000, in my home State. The President also happens to be visiting this county today.

In 2005, the county began the process of submitting the proper environmental permit applications needed to extend a section of road about 1 mile. The project was designated as having the lowest level of environmental impact. However, construction is not slated to begin until at least 2019.

Why the delay? There is a small ditch which runs adjacent to the proposed project. Within the ditch, there is a small rut about 6 to 8 inches wide and no more than an inch deep. It has no ordinary high water mark, and there are no wetland plants growing in the ditch. However, the Corps declared this ditch a water of the United States, costing the county thousands of dollars and numerous years.

This was never the intent of Congress when the Clean Water Act was passed.

The act clearly limits Federal jurisdiction to navigable waters. In fact, the term "navigable" appears more than 80 times in the Clean Water Act. There is no way one can tell me that an inch-deep ditch is a navigable water.

Congress has a responsibility to guard against these bureaucratic power grabs by executive agencies. This is why I introduced the companion bill to this legislation immediately after the rule was finalized. My resolution gained more than 70 cosponsors, with supporters from both sides of the aisle.

Thanks to the expedited procedures established under the Congressional Review Act, after we vote on this legislation the bill will proceed immediately to the President's desk. My hope is the President will listen to the American people and roll back this new rule.

Mr. DEFAZIO. Mr. Speaker, may I ask how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Oregon has 19½ minutes remaining. The gentleman from Ohio has 16 minutes remaining.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

The gentleman just made an excellent point. It is absolutely unbelievably stupid and absurd that that ditch should have held up a needed project in an urban area, but that is because of the Bush rule, the rule that today we are saying should be in place indefinitely or perhaps forever.

□ 0945

That ditch is specifically exempt under the newly adopted rule, which has been suspended by litigation. If the gentleman wants to deal with the ditch problem, it has been dealt with. Unfortunately, the courts have put a stay on it. But now the gentleman wants to throw out the new rule, which would exempt ditches like that, and go back to the Bush era rule, which is what caused that problem—cause and effect.

I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, I would like to say, please, Members, vote "no" on this resolution. It is a very bad idea. What is happening here, for the folks listening, is that the EPA has come up with a rule that is going to strengthen protections for drinking water for 117 million people.

Our Republican colleagues have brought forth a resolution to disapprove of the rule, leaving people vulnerable to the status quo. This comes out to about one in three Americans across the country and perhaps one in five Minnesotans in my home State.

Now, I am critically concerned about all of America—I am a U.S. Congressman—which leads me to the situation in Flint. The fact is that, by clarifying that waters are protected under the Clean Water Act, the rule would reduce the amount of pollution entering major rivers and waterways. This would mean less corrosive water, which is part of

what led to the water crisis being seen in Flint, Michigan, right now.

When the highly corrosive water of the Flint River passes through Flint's service pipes, it leaches lead out of the pipes and into residents' drinking glasses, bathtubs, and swimming pools. The water crisis in Flint reminds us that failure to step up and protect our water supply puts the lives of the public in danger. Eight thousand children are now facing poisoning because of this nasty situation.

In Flint, residents were forced to pay for water that was poisoning them, by an unelected emergency manager. A mother and Flint resident, Lee Ann Walters, started bathing her children with bottled water, as she learned that her children were showing signs of lead poisoning and that the lead levels in her tap water were seven times higher than the minimum safety standard. The entire city has been exposed to dangerous lead levels, including as many as 8- to 10,000 children.

If this does not compel us to stand up and fight for clean water, I don't know what will. We absolutely need to say "no" to this resolution that would expose us to dirty water.

Mr. GIBBS. Mr. Speaker, I just want to go back down memory lane just a second. My good friend from Oregon, when we were debating H.R. 1732, the bill that said let's stop this rule and work up a rule that will bring clarity, he said that was a bipartisan-supported bill. But the gentleman said we didn't need to pass H.R. 1732 because whenever the rule comes out, we have the Congressional Review Act to take care of the problem. That is what we are doing today.

I yield 1 minute to the gentleman from California (Mr. McCLINTOCK).

Mr. McCLINTOCK. Mr. Speaker, Congress gave the EPA jurisdiction over navigable bodies of water large enough to support ship traffic. This EPA rule takes control over virtually every body of water in the United States, including many agricultural and drainage ditches, ornamental lakes, and small creeks and streams on private property.

Now, in 2010, Mr. Oberstar introduced a bill to grant them this power, and the Pelosi Congress refused to pass it; so the EPA simply decided to seize that power anyway.

This not only threatens to upend 150 years of State water and property rights laws, it also presents us with a grave challenge to our Constitution. If it is allowed to stand, this rule means that Congress' exclusive legislative powers have now passed unrestricted to the executive, including the power to repeal existing laws that guarantee to States supremacy over their own waters and the power to amend laws to seize vast new executive authority in direct defiance of this Congress.

This rule must not stand. It cannot stand.

Mr. DEFAZIO. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me thank my ranking member and the chair of the committee for their diligence in running this committee and overseeing some of the most important legislation for our Nation.

The Clean Water Act is the key Federal law used to protect our Nation's waters and ensure that millions of Americans have access to clean water. The resolution of disapproval being considered today would block the implementation of important administrative reforms aimed at clarifying key components of this Clean Water Act. These reforms include considerations on how we define tributaries to traditionally navigable waters and sets out clear exclusions to the definition of waters of the United States, among other changes that will help streamline the regulatory process.

Countless municipalities, businesses, and industry stakeholders have expressed concern around the confusing and outdated regulations established under the Bush administration. In fact, more than a million public comments submitted to EPA and the U.S. Corps of Engineers have contributed to the formulation of this final rule. The final rule would provide much-needed predictability and clarity for these groups, and that has got my attention.

In my home State of Texas, 43 percent of the residents get their drinking water from sources that rely on small streams protected by the most recent Clean Water Act and rule. The rule also restores protections to more than 12,000 miles of streams that feed into Texas' drinking water sources. Further delaying the implementation of this rule will continue to have a dramatic impact on my State of Texas and other States around the country.

I see a number of immediate problems with this resolution. For one, S.J. Res. 22 would block any future administration from ever clarifying the regulatory confusion related to the Clean Water Act unless Congress authorizes a new rule. In my opinion, that does not bode well for our ability to protect such an essential resource as clean water for Americans.

Thankfully, President Obama has already expressed his intention to veto this resolution if it were to reach his desk. Based on a vote on this resolution in the Senate last year, Congress lacks the support to override a veto.

This resolution is simply another attempt by this Congress to block this administration from carrying out its regulatory duties to protect Americans. I do not think that there is a single Member of this House who would disagree that access to clean water is absolutely essential for our well-being and health.

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

Mr. DEFAZIO. Mr. Speaker, I yield an additional 1 minute to the gentlewoman.

Ms. EDDIE BERNICE JOHNSON of Texas. Here we are, dedicating even

more time to consider legislation that would block our ability to protect important waterways and wetlands from pollution.

Mr. Speaker, this resolution amounts to nothing more than a misguided direction. No one thinks that any American should be subjected to a questionable quality of water. For this reason, I would urge my colleagues to vote "no" on this resolution.

Mr. GIBBS. Mr. Speaker, I yield myself such time as I may consume.

I am hearing a lot of comments made about the comment period. I just want to reiterate that, of the substantial comments made, 70 percent of them were opposed to the rule.

I think what is even more important and needs to really be made clear here, the Government Accountability Office, the GAO, did an investigation, and they said the EPA broke the law because they used covert propaganda through social media to skew the comments and biased them to their agenda.

This creates a huge problem for me because this violates the integrity, goes to the integrity of the comment period. The reason we have a comment period is for stakeholders—in this case, States, farmers, developers—and a whole array of different people to have the ability to put comments in, and it's up to the Agency to make the best rule possible that will work for everybody and protect the environment.

The GAO said they broke the law, so we need to make that clear. The comment period was flawed, and that is why we need to pass this bill and resend it.

I yield such time as he may consume to the gentleman from Louisiana (Mr. GRAVES).

Mr. GRAVES of Louisiana. Mr. Speaker, we are here today because the Supreme Court in 2001 and again in 2006 determined that the EPA and the Corps of Engineers' definition of waters of the United States was too broad, and it directed them to narrow that rule, that definition, to bring it into compliance and within the four corners of the law.

This poster here indicates the absurdity of what we are dealing with. Clearly, you wouldn't have folks out on a kayak in a field fishing. It is simply nonsensical. That is what we are facing today.

The EPA and the Corps of Engineers didn't come back and say, "We are going to reduce the footprint. We are going to reduce the area that is now subject to the jurisdiction of the Corps under waters of the U.S." They came out with a rule that actually expanded it. They came out with a rule that the cost of compliance didn't decrease, as you would expect, based upon the rulings of the Supreme Court. The cost of compliance grew, and there were many reports about discourse within the Corps of Engineers and the EPA in regard to the approach that is being taken today. This is simply absurd to come in and attempt to regulate snow melt and drainage and things like that.



Mr. Speaker, in my home State of Louisiana, we drain about 42 percent of the contiguous landmass of North America. It is one of the largest watersheds in the world. You can't take a definition of waters of the U.S. and try and apply it to Arizona and Louisiana. Waters of the U.S. is our State, based upon this definition. Much of the area of south Louisiana would be subject to this.

So what does this mean? It means it is an infringement upon our private property rights: homes, businesses, land that we bought, that we own. We can't have the Federal Government come in and grow jurisdiction beyond the scope of the law.

I want to be clear. I am not talking about paving all the wildlands and open lands that we have in the United States. We certainly want to protect the environment, want to protect our water quality. But the irony here is that this is the U.S. Army Corps of Engineers and the EPA involved.

In my home State of Louisiana, we have the greatest rate of coastal wetlands loss in the United States, which I want to make note, Mr. Speaker, is the fault of the U.S. Army Corps of Engineers. It is their fault. The greatest rate of wetlands loss in the United States, their fault. Then here they are standing up saying: We want to protect the environment and be good stewards of the environment, and we are going to grow the jurisdiction of this amendment.

This is absurd. This is not antienvironmental. This is simply complying with the law, and this rule clearly goes beyond the scope of the law. You are not going to see scenarios like this because it is absurd. That is what we are facing today.

What is going to happen is this rule is once again going to be thrown out by the Supreme Court. It is once again going to be thrown out. But what Americans are going to face between now and when this is thrown out is they are going to be facing additional scrutiny. They are going to be facing the additional cost of compliance. They are going to face the additional encroachment and infringement upon their private property rights.

It is wrong. This isn't antienvironmental. This is within the four corners of the law.

I strongly urge you to support this resolution.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

I would like to refer back to the chairman's trip down memory lane. If he recalls the circumstance, we had not yet seen the revised rule. The initial rule, many of us had objected to, and we hadn't seen the revised rule. The majority wanted to stop the revised rule, again, sticking us with the Bush-era guidance. I guess they are in love with the Bush-era guidance, which everybody from the Farm Bureau to Natural Resources Defense Council hates and says doesn't work. The gentleman from Louisiana just referenced that.

In the interim, we will be under these really contradictory and unworkable rules of the Bush era. Congress should act to update the Clean Water Act, and then we can have a vigorous debate over what areas we want to cover and what areas we don't want to cover and perhaps get a little more clarity.

Today we are here because they have promulgated a rule. It is substantially different from the draft rule, and they made clear that many of the things that were discussed in the interim—it is going to regulate my bird bath, my pond on my farm, the puddles on my farm, the ditches on my farm; it is going to preempt land use—all of those things are specifically addressed in the final rule, which we want to override, and they are exempt.

□ 1000

It does not change exemptions for agriculture. It doesn't regulate erosional features.

I am not going to read all the specific language, but it is all right here. The ditch issue in the urban area we heard about earlier is solved under this, but it is still a problem today under the Bush-era rule, which is still the law of the land because the new rule was stayed by the courts. And now we want to kill it.

So we don't want to fix the ditch issue, I guess, and live forever under the Bush-era rule. It doesn't regulate land use. If it did the things the people on the other side were saying, I think you would find 85, 90 percent of the Members of this House would be voting for this resolution of disapproval. The fact is it doesn't do those things and we have very specific references to demonstrate that.

And then, on this issue of the illegal actions, again, I was getting emails and phone calls from people saying, my bird bath; my pond; my puddles; my roadside ditches. The forest industry is saying our roadside ditches.

Well, those things are all exempt now. But these things were out there, and the EPA was trying to educate people and say: Here is what is in. Here is what is out. And they find the weeniest of little, stupid violations.

This isn't like lawbreaking. They used Thunderclap to actually tell people a few things about this rule. They forgot to put on a disclaimer. Oh, someone should go to jail for that. The right-wing nuts occupying the Malheur National Wildlife Refuge and Cliven Bundy violating Federal law, owing us a million dollars and not paying for grazing like other people, they shouldn't be prosecuted. In fact, the chairman referenced those nuts earlier.

I find it offensive and insulting to say that there is some sort of protest that relates to this discussion on the floor of the House by right-wing extremists who have taken over illegally and are destroying Federal property in my State.

And then, secondly, they had another violation beyond using Thunderclap.

They had a link that went to someone else's site. And on that someone else's site, they were advocating for the rule. Wow. These are lawbreakers. These are the lawbreakers we want to go after.

This administration doesn't go after any lawbreakers, from Wall Street criminals under the collapse or these right-wing extremists in the West. I discussed that earlier in a 1-minute speech on the floor.

But the point here is that we have much better clarification now. The courts are going to rule whether this is adequate or inadequate, whether Congress needs to act further, whether the rule needs to be revised.

We should let that process go forward. That would give us some direction because we don't seem to be able to initiate on our own a reauthorization of the Clean Water Act and have a fair debate over what we want to cover and not cover. But the default action—repealing this rule, doing nothing—binds us to the Bush-era rule indefinitely.

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

Mr. GIBBS. Mr. Speaker, I yield myself such time as I may consume.

Once again, Mr. Speaker, I want to make it clear. It was the Government Accountability Office investigation that said the EPA broke the law. Regardless of how you interpret what they said, they broke the law. I think that goes to the integrity of the whole rulemaking process, that that is a dangerous precedent, moving forward.

We had the talk about this rule brings clarity. Yes, it does bring clarity because it pretty much makes everything under water all under Federal jurisdiction. It is like going from the frying pan into the fire.

That is why the American Farm Bureau and a whole host of other entities and almost two-thirds or three-quarters of the States have sued or are opposed to that.

So we need clarity. That is why Congress needs to commit to work to fix that. But this rule, going forward, is more obtrusive and is a big problem. Like I said, it does mean that everything is under Federal jurisdiction.

There has been a lot of discussion about ditches. They exempted ditches, but they put five exemptions to put it back in. One I really like says that, if water in a ditch eventually flows out of that ditch and into a tributary—which they expanded the definition of tributaries into navigable waters—it is not exempt.

So tell me where in the United States there is a ditch that has water that doesn't eventually flow into waters of the United States.

Mr. Speaker, I yield such time as he may consume to gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of S.J. Res. 22, which vacates this overreaching and, frankly, unnecessary

waters of the U.S. rule. It prevents the EPA and the Corps of Engineers from moving forward.

I think the problem that has made itself real prevalent—and the chairman just talked about this as well—is it is not what is on the top line. It is what is on the exemption line.

You can talk about whatever you want to talk about, but the problem I come to with this—because we have been dealing with this in my part of the world—and I appreciate the previous speaker from Louisiana talking about the watershed there—is that I am from northeast Georgia, where we are in the foothills of the mountains.

So, in the bottom, you have the creeks, the tributaries. We have Lake Lanier, the Chattahoochee River, Lake Hartwell. We have a lot of areas that fall here.

What is interesting to me—and what my friend from across the aisle basically said—and what is offensive to me is to come to a place and say that, just because we are going to work on a Clean Water Act, we are going to work on a reauthorization, we take it from Congress and say that people downtown in cubicles who do not know my district and who understand that they have an agenda to push will make rules and make regulations that affect the livelihood of people.

When you take it from Congress, where it should be, that is offensive. I agree with my friend. It should be here. But we have seen a pattern in the last 7 years that, if it is not moving fast enough in Congress, go around it. That is not possible. The Constitution is not something you can forget every once in a while.

Now, you can make arguments all day long. You can call it whatever you want to call it. I call it just plain dumb. Common sense, as my grandma told me one time, is not common. I see that in Washington all the time, especially in agencies.

We talk about why this is confusing. We had the EPA director sitting in committee last year asked these very questions about the rule. She answered them one way, and at the very same time, back in my district, the Ninth District of Georgia, they were being told a completely opposite answer.

Where she would say it is not affected, they would say: Oh, it is affected. They knew because they understood their district, and the Agency workers in the district understood what was going on.

So you can have this argument all you want. This needs to be vacated. As previously said, the courts have already made a statement on this. This is an overreach. This is a policy choice.

And I am sorry. The executive branch is to carry out the law, to work within the confines of the court ruling, not to determine that they have pins on their chests and that they are elected by the people that they represent. They are to follow the law.

If we need to continue on the Clean Water Act and to make arguments to

say that, if you are against this, you want dirty water, you want bad pollution, you are against this, that is just a straw man that needs to be burned down and buried.

We are looking for commonsense regulation. We are looking for stuff that makes sense. I have a gentleman in my area whose land—100 acres—is his main asset. When you take these rules and set them on top of it and he has 18 usable acres, from dry ditches and gullies, that is a problem.

Don't hand me this, that this is going to destroy the world. Don't hand me this from the red hills of north Georgia, where just years ago it was the farmers and those who knew that living off the land meant conservation, who turned those red clay hills into green, lush farms. Don't tell me that Washington needs to be the one to tell them how to do conservation and to know what to do with a dry ditch on their land. This is ridiculous.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

It would be interesting if the gentleman invited the EPA to come out and look at that farmer's land. I think they would find that he is exempt and he isn't down to 18 acres. There are misunderstandings.

And, also, the gentleman did say something about the courts have already ruled. The courts haven't ruled. That is the problem. It is going to be 2 years before they get to the merits on this rule. And so they essentially have stayed the new rule from going into effect. So we don't have ditch exemptions.

It would be interesting to contrast the existing Bush rules—which will be in place for at least another 2 years—to the new rules and have someone come out and consult with that farmer and say: Actually, you are kind of screwed here because of the Bush rules. But if we had these new rules, we could just tell you to go ahead and farm on those 100 acres. On previously converted cropland, ditches are exempt. You have the agricultural exemptions. But sorry, you are stuck with something written in the Bush era.

That is the effect of Congress not acting. And I would agree with the gentleman. The fact is we should act and we could act. The gentleman has jurisdiction over the committee which could reauthorize the Clean Water Act.

It has not been reauthorized since 1987, which is why we are squabbling over administration interpretation of the Bush administration—I hate to have to be talking about George Bush—and the Obama administration as opposed to Congress having at some point done its job to reauthorize and clarify the Clean Water Act in those intervening 28 years.

I am not aware of any plans. The chairman has told me the agenda for the coming year, but rewriting the Clean Water Act and debating the merits and demerits of certain protections is not on that agenda, to the best of my knowledge.

So the effects of what the courts have done is to stick us with the Bush-era rules for 2 more years, and the effect of what we are doing here would actually stick us with the Bush-era rules indefinitely. Pick your poison.

The bottom line is we are doing a disservice to the country by not getting these commonsense exemptions in place as soon as possible.

I have a number of letters from groups too numerous to reference that I will include in the RECORD. Being co-chair of the House Craft Brewers Caucus, there is a very strong representation by the craft brewing industry because of their concerns about the need for clean water to make good beer.

AMERICAN SUSTAINABLE  
BUSINESS COUNCIL,

Washington, DC, January 11, 2016.

DEAR REPRESENTATIVE: On behalf of the 250,000 businesses, and more than 325,000 entrepreneurs, executives, managers and investors we represent, the American Sustainable Business Council (ASBC) urges you to vote against the Congressional Review Act (S.J. Res. 22) overturning the EPA's Clean Water Rule.

Clean water is good for business, and companies like the ones we represent know it. They need it for their operations and for the overall health of their communities. Repealing this rule would not protect economic growth; it would put it at risk.

The EPA's rule comes out of a broad desire among all stakeholders, following the Supreme Court's rulings in 2001 and 2006, to clarify what the EPA's jurisdiction is under the Clean Water Act. This ruling is based on sound science, and does not expand the agency's power under the Clean Water Act, only clarifying of what bodies of water it protects.

Of greatest concern to us, however, is the argument that this rule will jeopardize economic growth. From our experience, the real risk to our economy comes when clean water protections no longer exist, and businesses lose control over a crucial input in food and beverage production, tourism, manufacturing, and any number of industries.

The EPA's rule gives the business community more confidence that clean water sources, including streams and rivers, are protected, and removes uncertainty surrounding the agency's authority to protect our waterways. This is good for the economy, and vital for businesses that rely on clean water for their success.

The business community was given ample opportunity to share its concerns and inform the EPA of the rule's potential impact during the months-long comment period—as evidenced by the more than 1 million comments submitted during that time—and the EPA had abundant time to take any concerns into account and use them to improve the rule.

Clean water remains a necessity for so many American industries, from agriculture to manufacturing to tourism to food and drink production. And it's what businesses across the political spectrum want—national, scientific polling from the American Sustainable Business Council found 80% of small business owners favored rules protecting upstream headwaters, as the EPA's rule would do, and 71% said that clean water protections are necessary to ensure economic growth.

Congress needs to let this rule stand, not create more uncertainty for American businesses. We urge you to vote against Congressional Review Act (S.J. Res. 22). American businesses are relying on you to keep this

rule intact and ensure they can rely on this most crucial resource.

Sincerely,

RICHARD EIDLIN,  
*Vice President of Policy and Campaigns.*

JANUARY 11, 2016.

Re Hunters and anglers strongly oppose S.J. Res. 22 invalidating the final Clean Water Rule

DEAR REPRESENTATIVE: The undersigned sportsmen and conservation organizations strongly oppose Senate Joint Resolution 22, which the House of Representatives may vote on this week and would invalidate the final Clean Water Rule. This important rule clarifies Clean Water Act jurisdiction in a manner that is both legally and scientifically sound.

This joint resolution is an extraordinary and radical action to overturn a fundamental, once-in-a-generation final rule that is critical to the effective implementation of the 1972 Clean Water Act, and that was adopted following an exhaustive public rule-making process. The resolution would overturn a rule that finally resolves longstanding confusion and debate, promotes clarity and efficiency for regulatory programs promoting river health, and preserves longstanding protections for farmers, ranchers, and foresters.

By using the Congressional Review Act, this joint resolution not only wipes out the final Clean Water Rule but also prohibits any substantially similar rule in the future. It locks in the current state of jurisdictional confusion and offers no constructive path forward for regulatory clarity or clean water. America's hunters and anglers cannot afford to have Congress undermine effective Clean Water Act safeguards, leaving communities and valuable fish and wildlife habitat at risk indefinitely.

This joint resolution dismisses the voices of the millions of Americans, including businesses that depend on clean water, who support the new rule and are eager to reap its benefits. The agencies engaged in a very transparent and thorough multi-year rule-making process that included over 400 stakeholder meetings and an extended public comment period that produced over one million comments. Nearly 900,000 members of the public commented in support of the Clean Water Rule. A recent poll found that 83 percent of sportsmen and women think the Clean Water Act should apply to smaller streams and wetlands, as the new rule directs.

The Clean Water Rule clearly restores longstanding protections for millions of wetlands and headwater streams that contribute to the drinking water of 1 in 3 Americans, protect communities from flooding, and provide essential fish and wildlife habitat that supports a robust outdoor recreation economy. The sport fishing industry alone accounts for 828,000 jobs, nearly \$50 billion annually in retail sales, and an economic impact of about \$115 billion every year that relies on access to clean water. The Clean Water Rule will translate directly to an improved bottom line for America's outdoor industry.

Opponents claiming the rule goes too far and protects water too much have filed a barrage of nearly identical legal challenges in numerous district and appellate courts across the country. On October 9, 2015, the 6th Circuit Court of Appeals temporarily stayed the Clean Water Rule nationwide. The Clean Water Rule and those who oppose it will have their day in court.

Meanwhile, we want Congress to know that despite these legal challenges, conservationists across the nation are steadfast in our support for the Clean Water Rule. After nearly 15 years of Clean Water Act confusion, further delay is unacceptable to the

millions of hunters and anglers eager to have their local waters fully protected again. We are confident that, when the dust settles in the courts, the Clean Water Rule will withstand challenges saying it protects our water too much.

The Clean Water Act has always been about restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters. It is bedrock support for America's more than 40 million hunters and anglers and for the 117 million Americans whose drinking water depends on healthy headwater streams.

We thank all of the members of Congress who stand with America's sportsmen and women to block attempts to derail the rule, and ask you to reject S.J. Res. 22 and any other legislative action against the rule that may follow this year.

Sincerely,

American Fisheries Society, American Fly Fishing Trade Association, Backcountry Hunters and Anglers, International Federation of Fly Fishers, Izaak Walton League of America, National Wildlife Federation, Theodore Roosevelt Conservation Partnership, Trout Unlimited.

LEAGUE OF CONSERVATION VOTERS,

*Washington, DC, January 12, 2016.*

Re Oppose extreme attack on clean water, S.J. Res. 22

U.S. HOUSE OF REPRESENTATIVES,  
*Washington, DC.*

DEAR REPRESENTATIVE: The League of Conservation Voters (LCV) works to turn environmental values into national priorities. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the media.

LCV urges you to vote NO on S.J. Res. 22, the Congressional Review Act "Resolution of Disapproval" of the Clean Water Rule. This radical legislative measure would threaten critical clean water safeguards for the waterways that millions of Americans depend on for drinking water by permanently blocking the Environmental Protection Agency's and U.S. Army Corps of Engineers' final Clean Water Rule.

Since two confusing Supreme Court decisions over a decade ago, millions of acres of wetlands and thousands of miles of streams that contribute to the drinking water of one in three Americans have been left vulnerable to toxic dumping and destruction. After an extensive and thorough process, the final Clean Water Rule provides clarity and certainty on the waters covered under the Clean Water Act. These waterways serve as habitat for wildlife, guard against flooding, filter pollution, and help provide the clean water that our families, communities, and economy depend on. The Clean Water Rule enjoys wide support from businesses, conservationists, sportsmen, farmers, state and local leaders, and the public, including the over 800,000 people who weighed in during the comment period and 80% of voters from all sides of the political aisle.

S.J. Res. 22 is an extreme dirty water resolution that would not only stop the Clean Water Rule, but would prohibit the agencies from developing any "substantially similar" measure in the future. This vague and harmful language could prevent the agencies from ever issuing rules that establish protections for the waters covered by the Clean Water Rule, leaving our streams, wetlands, lakes, and rivers vulnerable to pollution for generations to come.

We urge you to REJECT S.J. Res 22 a dangerous bill that would block the Clean Water Rule and jeopardize the waterways our children and grandchildren drink, swim, and play in. We will strongly consider including

votes on this bill in the 2016 Scorecard. If you need more information, please call my office at (202) 785-8683 and ask to speak with a member of our government relations team.

Sincerely,

GENE KARPINSKI,  
*President.*

HEALING OUR WATERS-  
GREAT LAKES COALITION,

*January 11, 2016.*

DEAR REPRESENTATIVE: On behalf of the Healing Our Waters-Great Lakes Coalition, I ask you to vote against S.J. Res. 22.

The U.S. Environmental Protection Agency and Army Corps have spent years talking to the public, including state and local governments, about providing clarity to which water bodies will be covered by federal law. After being asked to propose a rule by stakeholders from all sides, the EPA and Army Corps did so after receiving nearly one million comments regarding what they proposed. Many of these comments suggested substantive changes on how to define what a water of the United States is. The EPA and Army Corps incorporated many of the suggestions in the rule finalized last year.

S.J. Res. 22 stops these clean water protections from going into force. More radically, it prohibits the EPA and Army Corps from proposing anything that would be substantially the same as what has already been developed after years of deliberation.

For years the Clean Water Act protected all wetlands and tributaries in and around the Great Lakes. However, Supreme Court decisions in 2001 (SWANCC) and 2006 (Rapanos) left many of these wetlands, small streams, and lakes at increased risk of being polluted and destroyed. This lack of protection in particular left intermittent and headwater streams vulnerable to pollution and adjacent wetlands open to be filled and destroyed. Half of the streams in Great Lakes states do not flow all year, putting them, and adjacent wetlands, at risk of increased pollution and destruction. Over 117 million Americans get their drinking water from surface waters, including nearly 37 million people in Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, and New York. More importantly, 83 percent of the population in Great Lakes states are dependent on public drinking water systems that rely in intermittent, ephemeral, and headwater streams.

Protecting and restoring wetlands and streams is critical to the restoration and protection of the Great Lakes. According to a review of more than a thousand publications from peer-reviewed scientific literature conducted by an EPA Science Advisory Board, streams, tributaries (e.g., headwater, intermittent, ephemeral), and wetlands are connected to downstream waters. The science overwhelmingly concludes that upstream waters in tributaries (intermittent, ephemeral, etc.) exert strong influence on the physical, biological, and chemical integrity of downstream waters. Common sense also tells us this is true. Pollution in a tributary is carried downriver into bigger and bigger waterways. Upstream waters also feed water to Great Lakes rivers and streams.

We need clean water protections now for our Great Lakes. Wetlands and tributaries provide vital habitat to wildlife, waterfowl, and fish; reduce flooding; provide clean water for hunting, fishing, swimming, and paddling; and serve as the source of drinking water for millions of Americans. Healthy waters around the Great Lakes also fuel tourism and other industries that sustain jobs because of clean Great Lakes water. The



Clean Water Rule is an important part of our Great Lakes restoration efforts.

Please vote against S.J. Res. 22. For more information about our Coalition's position, please contact Chad Lord.

Sincerely,

TODD AMBS,  
*Coalition Director.*

STATEMENT OPPOSING SENATE JOINT RESOLUTION 22 TO ROLL-BACK THE CLEAN WATER RULE, JANUARY 12, 2016.

Allagash Brewing Company (Maine), Andersonville Brewing Company (Illinois), Arbor Brewing Company (Michigan), Arcadia Brewing Company (Michigan), Bear Republic Brewing Company (California), Brewery Vivant (Michigan), Brooklyn Brewery (New York), Central Waters Brewing Company (Wisconsin), Corridor Brewery & Provisions (Illinois), DryHop Brewers (Illinois), Engrained Brewing Company (Illinois), Founders Brewing Company (Michigan), Great Lakes Brewing Company (Ohio), Greenstar Brewery (Illinois), Half Acre Beer Company (Illinois), Harmony Brewing Company (Michigan), Hops & Grain Brewing Company (Texas), Horse and Dragon Brewing Company (Colorado), KelSo Beer Company (New York), Lagunitas Brewing Company (California and Illinois), Lakefront Brewery (Wisconsin), Maine Beer Company (Maine), New Belgium Brewing Company (Colorado and North Carolina), Oak Park Brewing Company (Illinois), Odell Brewing Company (Colorado), Old Bust Head Brewery (Virginia), Portsmouth Brewery (New Hampshire), Revolution Brewing (Illinois), Right Brain Brewery (Michigan), Rising Tide Brewing Company (Maine), Sierra Nevada Brewing Company (California and North Carolina), Short's Brewing Company (Michigan), Smuttynose Brewing Company (New Hampshire), Temperance Beer Company (Illinois), Two Brothers Artisan Brewing (Illinois), Wild Onion Brewery (Illinois).

Our breweries cannot operate without a reliable, clean water supply. We strongly support the Clean Water Act, one of our nation's bedrock environmental laws, as well as the Clean Water Rule, which provides important clarity regarding which waterbodies are covered by the Act.

That is why we urge you to oppose Senate Joint Resolution 22, that would prohibit the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers from doing "a new rule that is substantially the same" as the Clean Water Rule. That could be read to prohibit EPA and the Army Corps from issuing any rule that establishes protections for waters that the Clean Water Rule protects, like lakes, streams, and wetlands.

Our breweries—and the communities in which we operate—need a strong Clean Water Act, as well as the clarity provided by the Clean Water Rule.

For more information, please see [www.nrdc.org/brewers](http://www.nrdc.org/brewers) or call Karen Hobbs, Senior Policy Analyst, Natural Resources Defense Council.

JANUARY 12, 2016.

REPRESENTATIVE: The undersigned organizations, and our millions of members and supporters, oppose the Dirty Water Resolution (S.J. Res. 22). The "Resolution of Disapproval" under the Congressional Review Act attacks the Clean Water Rule, the Obama administration's landmark initiative to restore safeguards against pollution and destruction for lakes, streams, wetlands and other water bodies.

The Clean Water Rule restores important safeguards that once existed for a variety of water bodies. Those safeguards were eroded

after a pair of Supreme Court decisions and by policies the Bush administration adopted, which left many water bodies inadequately protected or lacking the pollution control requirements of the Clean Water Act. The rule restores prior protections for many critical wetlands, which curb flooding, filter pollution, and provide habitat for a wide variety of wildlife, including endangered species and wildfowl and fish prized by hunters and anglers.

The Dirty Water Resolution is an extreme action that seeks to kill the Clean Water Rule using the Congressional Review Act, which goes far beyond stopping a disapproved administrative action. The Congressional Review Act says that an agency may not adopt "a new rule that is substantially the same" as the disapproved rule, and the breadth of that requirement is very unclear.

In the context of the Clean Water Rule, it could be read to prohibit EPA and the Army Corps from issuing any rule that establishes protections for waters that the Clean Water Rule covers, like lakes, streams, and wetlands. The Dirty Water Resolution radically undermines the agencies' ability to clarify the jurisdiction of the Clean Water Act—despite urging from industry associations, conservation groups, members of Congress, state and local leaders, and Supreme Court justices for such a clarification.

By pursuing this anti-clean water resolution, pro-polluter members of the House of Representatives are seeking to kill a commonsense and modest rule containing scientifically-sound and legally-valid protections for the nation's waters, including critical drinking water supplies.

Restored clean water protections enjoy broad support. In polling for the American Sustainable Business Council, eighty percent of small business owners—including 91% of Democrats, 73% of Independents and 78% of Republicans—said they supported the then-proposed Clean Water Rule. A strong majority, 71%, also said that clean water protections are necessary to ensure economic growth; only six percent said they were bad for growth. Similarly, a bipartisan research team polled hunters and anglers nationwide and discovered that 83% surveyed thought that the Environmental Protection Agency should apply the rules and standards of the Clean Water Act to smaller, headwater streams and wetlands. Support for this policy was strong across the political spectrum, with 77% of Republicans, 79% of Independents and 97% of Democrats in favor.

We ask that you oppose the Dirty Water Resolution (S.J. Res. 22) because it will undermine protections for our drinking water supplies, flood buffers, and fish and wildlife habitat. This attack on clean water is not only a waste of the House's time but also an excessive and dangerous act that jeopardizes clean water for generations to come.

Sincerely,

Alliance for the Great Lakes, American Rivers, American Whitewater, Amigos Bravos, Arkansas Public Policy Panel, BlueGreen Alliance, Central Minnesota Chapter of Audubon, Clean Water Action, Conservation Minnesota, Earthjustice, Endangered Habitats League, Environment America.

Environment California, Environment Colorado, Environment Connecticut, Environment Florida, Environment Georgia, Environment Illinois, Environment Iowa, Environment Maine, Environment Maryland, Environment Massachusetts, Environment Michigan, Environment Minnesota, Environment Montana.

Environment New Hampshire, Environment New Jersey, Environment New Mexico, Environment New York, Environment North

Carolina, Environment Oregon, Environment Texas, Environment Virginia, Environment Washington, Freshwater Future, Friends of the Cloquet Valley State Park, Friends of the Mississippi River.

Great Lakes Committee—the Izaak Walton League, GreenLatinos, Greenpeace, Gulf Restoration Network, Hoosier Environmental Council, Iowa Environmental Council, Kentucky Waterways Alliance, League of Conservation Voters, Michigan Wildlife Conservancy, Midwest Environmental Advocates, Minnesota Center for Environmental Advocacy, Minnesota Conservation Federation, Minnesota Environmental Partnership, Missouri Coalition for the Environment.

Natural Resources Defense Council, Nature Abounds, Ohio Wetlands Association, PennEnvironment, Prairie Rivers Network, Religious Coalition for the Great Lakes, River Network, Save the Dunes, Shaker Lakes Garden Club, Sierra Club, Southern Environmental Law Center, Surfrider Foundation, Tennessee Clean Water Network, Wisconsin Environment, Wisconsin Wildlife Federation.

JANUARY 11, 2016.

Hon. PAUL RYAN,  
*Speaker of the House, U.S. Capitol, Washington, DC.*

Hon. NANCY PELOSI,  
*Democratic Leader, House of Representatives, U.S. Capitol, Washington, DC.*

DEAR SPEAKER RYAN AND LEADER PELOSI: The undersigned public health organizations urge you to oppose a piece of harmful legislation: S.J. Res. 22, a Congressional Review Act resolution to block the Clean Water Rule proposed by the U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers. This resolution is a sweeping attack on the Clean Water Act that could not only impair the Clean Water Rule, but also our ability to protect clean water in the future. The public health community recognizes that clean water and healthy populations are inextricably linked and that polluted water can expose Americans to harmful contaminants in numerous ways. The public depends on water not only for basic survival, but for recreation, bathing, cleaning and cooking. The EPA and Army Corps should be allowed to implement a rule that will improve water quality and protect the health of America's families and children.

The Clean Water Act was designed to keep pollution, including carcinogens, nutrient runoff, sewage and oil, out of the nation's water. The EPA and Army Corp's rule seeks to clarify the protection of streams and wetlands under the Clean Water Act, including streams that provide some portion of water to drinking water systems that serve nearly 117 million people. The rule, which is based on peer reviewed science, clarifies which waters are protected and which are not, allowing EPA and the Army Corps to best protect water quality and public health. Unfortunately, this bill would block their efforts and prevent them from implementing the law and ensuring the protection of water quality for millions of Americans.

Clean water is one of our greatest necessities and a cornerstone of public health. EPA and the Army Corps should be allowed to better protect public health from water pollution through this important science-based rule.

Sincerely,  
American Public Health Association, Physicians for Social Responsibility, Trust for America's Health.

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

Mr. GIBBS. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, I rise in support of this measure really for three reasons. One, I come from the Lowcountry of South Carolina. The First Congressional District is called the Lowcountry. It is called so for a reason, which is our land lies low.

I think of the farm I grew up on. My father got it about the time I was born. The reality of this measure, if these rules promulgated by the administration simply move forward, as has been referenced by several different speakers, that which he thought he got, he would have gotten a lot less of.

I think that, fundamentally, this is about private property rights. It is about what Philip Howard talked about years ago in his book "The Death of Common Sense." I don't think it makes common sense to classify as navigable waters of the U.S. so many of these dry streambeds or dry areas in any part of this country.

I also think that this is fundamentally about the rule of law. We have a real tension in this country, particularly during the time of this administration, on: Do we stick with this 200-year tradition we have had in place or do we move toward rule by edict?

I think it would be a huge mistake to go down the other avenue. But, fundamentally, that is what this debate is about. It is about how do we decide things? There will always be disagreement. But how do we decide things?

Finally, I think this is about taking something that wasn't partisan. I go back to the Clean Water Act, in its origination, was a bipartisan bill, but making it partisan by, again, executive overreach.

So my colleague from Oregon, who is a dear friend and I think a strong advocate, mentioned the fact that he has strongly advocated for craft brewers back home. It would take me many beers to buy into the notion of moving forward without change.

I think this is about upholding a 200-year tradition in this country on rule of law. I think it is about protecting farmers, whether they be in Johns Island, South Carolina, or the outskirts of Texas, or, for that matter, it is about those of us who love the environment, but sticking with this tradition of deciding these things in this Chamber.

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

Mr. GIBBS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY), the chairman of the Agriculture Committee.

Mr. CONAWAY. Mr. Speaker, I rise today in strong support of S.J. Res. 22, a resolution to disapprove the waters of the U.S. rule, a rule that amounts to a massive overreach by the Obama administration's EPA.

This rule and the process in which the EPA developed it ignored stakeholders, ignored States, and, as reports have shown, even ignored concerns from the Army Corps of Engineers, the Federal agency that was supposed to be co-developing the rule.

□ 1015

Through hearings, letters, and public forums, we repeatedly asked the administration to simply start over with a process that works with stakeholders to achieve the goals of the Clean Water Act, rather than act like a schoolyard bully. We all want clean water, and we can and should work together to achieve it.

Unfortunately, all of these requests fell on deaf ears, and the administration, in what has become an all-too-common pattern, moved forward to ram this bill through with little regard to the comments or the concerns of Americans.

The final rule ignores the spirit and the intent of the law in that EPA has claimed Federal jurisdiction over essentially any body of water, such as a farm pond, or even a ditch that is dry most of the year.

America's farmers and ranchers deserve a government that will review and consider their thoughts, not a government that refuses to engage stakeholders and hands down orders from on high.

The process of developing the rule was flawed from the get-go, and the final product was right on par with an administration that wants to impose its authoritarian will on every inch of this great land.

That is why the House voted overwhelmingly in favor of H.R. 1732, the Regulatory Integrity Protection Act of 2015. That is why I stand before you today to ask my colleagues to support S.J. Res. 22. Americans deserve better.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Again, we want to expedite this, but just really, I mean, we should deal with reality on the floor.

Rule text 230.3(S)(2)(iv)(B): "The following are not 'waters of the United States' . . ."—to go to this—"artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds . . ."

There had been language in the original rule which said that they would have to be used exclusively for farm purposes. This rule said they can be used for farm purposes or any other beneficial purposes. So ponds are not regulated.

How many times do we have to say it?

There are questions and interpretations and problems and, again, Congress should act. Congress should have hearings and write legislation to reauthorize the Clean Water Act for the first time in 28 years. Otherwise, we are going to be waiting 2 years for the courts to make a decision and, in the interim, we are stuck with the Bush rule.

I reserve the balance of my time.

Mr. GIBBS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SMITH), chairman of the Committee on Science, Space, and Technology.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Ohio for

yielding me time, and I support S.J. Res. 22, which rejects the Environmental Protection Agency's waters of the United States rule.

This rule is just another one of EPA's many attempts to expand its jurisdiction and increase its power to regulate American waterways, even if that means invading Americans' own backyards.

The Science, Space, and Technology Committee's oversight hearings revealed that the EPA made arbitrary decisions in writing this rule and justified it with phony science. And the Government Accountability Office found that the EPA's use of social media to promote the rule actually violated the law.

The Obama administration will do anything and say anything to impose its liberal agenda on the American people. I urge my colleagues to support S.J. Res. 22 and disapprove the waters of the United States rule.

Mr. GIBBS. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Ohio has 2 minutes remaining.

Mr. GIBBS. I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Well, I think this is the fifth time we have debated this issue on the floor, clearly, subject to widely disparate interpretation in terms of where we are and how we best move forward.

I am not going to regurgitate the arguments. They have all been made. Not everybody has said it, but they have all been made.

But, again, I think that the best way forward—I mean, first off, this resolution is going to be vetoed. It will go back to the Senate first because it is a Senate bill, and the Senate showed clearly that they are far, far short of a veto override. So that will be the end of it, unless we want to take it up for the sixth time in the House and pretend that somehow, by overriding a veto in the House, if that could happen, that we are going to compel the Senate to re-re-reconsider its failure to override the veto.

Hopefully we won't go through that charade. We don't have very many legislative days this year. I think that time would be better spent, perhaps, on initiating hearings and looking toward, in the next Congress, Congress exerting its constitutional authority to revisit the Clean Water Act, which hasn't been revisited in 27 years.

We have learned a lot about waters of the United States in the last 27 years, what needs to be protected and what can be exempted. We have certainly learned a lot since the Bush era when a rule was written that indiscriminately covers ditches, and other features of farms and roadwork. That was a mistake.

So we could, I believe, probably, like we did with the WRRDA bill in the last Congress, or the surface transportation

bill in this Congress, have a pretty vigorous debate, but come up with a decent way forward, because nobody disagrees over the need for clean water in this country. It is a precious, precious commodity.

I yield back the balance of my time. Mr. GIBBS. Mr. Speaker, we have had a lot of good discussion and debate today, and it is clear that we need to have clarity and certainty for all the stakeholders, while we protect the environment at the same time.

We tried to do that with H.R. 1732, which passed with bipartisan support here, and, obviously, it wasn't taken up in the Senate. So we are here with this Congressional Review Act.

I would like to talk about, if this rule goes through, what happens. Really, what happens is it greatly expands the power of the bureaucracy, and it gives them a lot of open, free discretion to make decisions on a case-by-case basis.

But it is going to do something else. It is going to require farmers, States, local governments, developers, homeowners to get permits from the Federal Government to do pretty much anything, because they are under Federal jurisdiction.

It also opens them up to citizens' lawsuits, frivolous lawsuits, but they will defend themselves because when the Clean Water Act was passed, it was passed with tough penalties to go after the polluters that we had back in the sixties and the seventies, and we have addressed a lot of that. So it is going to add costs, unnecessary costs.

And I would argue, and nobody has mentioned this, but I would argue that this rule can make us go backwards in the improvements we have made in this country on water quality and protecting the environment. The reason we can go backwards is because most people want to do the right thing. Most people want to protect the water. Farmers, I am a farmer, I want to protect it because I am one of the first ones to drink it. So we want to protect that.

But when you add up so much red tape and bureaucracy and costs, they are not necessarily going to do what they might have done otherwise. They will just do what they have to do to get by. They won't put in buffer strips. They won't do grass waterways. They won't do things to protect the environment because they have got to get a permit to do everything. And they will just say: No, this is just ridiculous, the bureaucrats are going to come out here and hassle me. And they are just not going to do it.

So that is what this rule does. It actually has the potential to hurt the environment, and we need to protect the environment.

So we need to rescind this rule, revoke this rule, go back to the table, the drawing board, and instruct our agencies to come up with a common-sense rule, go through the process correctly, don't break the law when they do it, and talk to the States.

You know, it is incredible. As soon as they filed the new rule in the Federal Register, 20-some States immediately, almost 30 States immediately, within 24 hours, filed a lawsuit. That ought to be a red flag that there is a problem.

So I urge my colleagues to support this resolution. Let's go back to the drawing board and start over.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong opposition to S.J. Res. 22, a bill providing for Congressional disapproval of the rule submitted by the Corps of Engineers and the Environmental Protection Agency relating to a "Clean Water Rule: Definition of Waters of the United States."

Today, the House is debating S.J. Res. 22, a resolution under the Congressional Review Act (CRA) to disapprove the Administration's Clean Water Act Rule issued in June 2015.

The CRA is a blunt instrument and the resolution would not only strike the rule in its entirety—throwing out decades of work and reigniting confusion and uncertainty among industry and conservation communities—it would block future administrations from ever resolving the confusion surrounding the Clean Water Act's definition of "waters of the United States."

This joint resolution is an extraordinary and radical action to overturn a fundamental, once-in-a-generation final rule that is critical to the effective implementation of the 1972 Clean Water Act, and that was adopted following an exhaustive public rulemaking process.

This joint resolution would overturn this rule that finally resolves longstanding confusion and debate, promotes clarity and efficiency for regulatory programs promoting river health, and preserves longstanding protections for farmers, ranchers, and forester.

America's hunters and anglers cannot afford to have Congress undermine effective Clean Water Act safeguards, leaving communities and valuable fish and wildlife habitat at risk indefinitely.

Along the Texas Gulf Coast where Houston is located we have worked long and hard to protect essential habitats for fish, crabs and bird estuaries.

This joint resolution dismisses out of hand the voices of the millions of Americans, including businesses that depend on clean water, who support the new rule and are eager to reap its benefits.

The President has communicated that this bill will be vetoed if passed in its current form.

The "Resolution of Disapproval" under the Congressional Review Act attacks the Clean Water Rule, the Obama Administration's landmark initiative to restore safeguards against pollution and destruction for lakes, streams, wetlands and other water bodies.

The Clean Water Rule restores important safeguards that once existed for a variety of water bodies that are the breeding grounds for fish.

The rule restores prior protections for many critical wetlands, which curb flooding, filter pollution, and provide habitat for a wide variety of wildlife, including endangered species and wildfowl and fish prized by hunters and anglers.

We must reject this attempt to inject Congress into a regulatory process that is best managed by the agency experts who are well versed in the process and the objectives.

Although this issue of the children of Flint have been poisoned by lead contamination of drinking water it is relevant to the broader debate on clean water and what we must remain focused upon.

The Clean Water Act (CWA) is the primary federal law in the United States governing water pollution.

It is credited for restoring clean water levels in the United States that were contaminated by chemicals and pollutants being dumped into fresh water sources.

The law maintains the chemical, physical, and biological integrity of the nation's waters by preventing point and nonpoint pollution sources, providing assistance to publicly owned treatment works for the improvement of wastewater treatment, and maintaining the integrity of wetlands.

It is one of the United States' first and most influential modern environmental laws.

The disapproval resolution would undo years of work by this and previous Administrations to clarify which waterways are covered by the Clean Water Act, reducing costly confusion and permitting delays and restoring protections for streams and wetlands across the country.

The confusion surrounding which waterways are covered by the Clean Water Act protections originates from two Supreme Court decisions (2001 and 2006) which called into question whether the Act protects isolated, intrastate, non-navigable waters and waters and tributaries in the upper portions of a watershed.

Subsequent interpretive guidance by the Bush Administration has led to an inconsistent, patchwork system frustrating the regulated community and general public concerned with health and safety of our waterways.

In April 2014, in response to requests from regulated industry and the conservation communities, the Obama Administration published a proposed rule, replacing the Bush Administration-era guidance documents, to reduce regulatory uncertainty and establish a clear process for asserting Clean Water Act jurisdiction over waters. The EPA held more than 400 public meetings and listened to a significant amount of public comment on the proposed rule. The final rule was issued on June 29, 2015.

In October 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the Clean Water Act Rule nationwide. Accordingly, the rule is tied up in Federal and state courts and, therefore, is not in effect.

House Committee on Transportation and Infrastructure Ranking Member PETER DEFazio opposes this damaging disapproval resolution and is urging Members to vote NO.

The White House has threatened to veto this disapproval resolution if it reaches the President's desk: The Administration strongly opposes S.J. Res. 22, which would nullify a specified Environmental Protection Agency (EPA) and the Department of the Army (Army) final rule clarifying the jurisdictional boundaries of the Clean Water Act (CWA). The agencies' rulemaking, grounded in science and the law, is essential to ensure clean water for future generations, and is responsive to calls for rulemaking from the Congress, industry, and community stakeholders as well as decisions of the U.S. Supreme Court.

If enacted, S.J. Res. 22 would nullify years of work and deny businesses and communities the regulatory certainty needed to invest

in projects that rely on clean water. S.J. Res. 22 is not an act of good governance. If the President were presented with S.J. Res. 22, his senior advisors would recommend that he veto the bill.

There is broad opposition to this disapproval resolution from the conservation, consumer, science, and recreational sports communities including: Clean Water Action, Earthjustice, Greenpeace, League of Conservation Voters, Natural Resources Defense Council, Sierra Club, Southern Environmental Law Center, Consortium of Aquatic Science Societies, American Fly Fishing Trade Association, International Federation of Fly Fishers, Backcountry Hunters & Anglers, The Izaak Walton League, National Wildlife Federation, Theodore Roosevelt Conservation Partnership, and Trout Unlimited.

I ask my colleagues to join me in opposing this bill.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 583, the previous question is ordered on the joint resolution.

The SPEAKER pro tempore. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

#### IRAN TERROR FINANCE TRANSPARENCY ACT

Mr. ROYCE. Mr. Speaker, pursuant to House Resolution 583, I call up the bill (H.R. 3662) to enhance congressional oversight over the administration of sanctions against certain Iranian terrorism financiers, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 583, the bill is considered read.

The text of the bill is as follows:

H.R. 3662

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Iran Terror Finance Transparency Act".

#### SEC. 2. CERTIFICATION REQUIREMENT FOR REMOVAL OF FOREIGN FINANCIAL INSTITUTIONS, INCLUDING IRANIAN FINANCIAL INSTITUTIONS, FROM THE LIST OF SPECIALLY DESIGNATED NATIONALS AND BLOCKED PERSONS.

(a) IN GENERAL.—On or after July 19, 2015, the President may not remove a foreign financial institution, including an Iranian finan-

cial institution, described in subsection (b) from the list of specially designated nationals and blocked persons maintained by the Office of Foreign Asset Control of the Department of the Treasury unless and until the President submits to the appropriate congressional committees a certification described in subsection (c) with respect to the foreign financial institution.

(b) COVERED INSTITUTIONS.—A foreign financial institution, including an Iranian financial institution, described in this subsection is a foreign financial institution listed in Attachment 3 or Attachment 4 to Annex II of the Joint Comprehensive Plan of Action.

(c) CERTIFICATION.—The President may remove a foreign financial institution, including an Iranian financial institution, described in subsection (b) from the list of specially designated nationals and blocked persons maintained by the Office of Foreign Asset Control of the Department of the Treasury if the President submits to the appropriate congressional committees a certification that the foreign financial institution—

(1) has not knowingly, directly or indirectly, facilitated a significant transaction or transactions or provided significant financial services for or on behalf of—

(A) Iran's Revolutionary Guard Corps or any of its agents or affiliates whose property or interests in property are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

(B) a foreign terrorist organization for or on behalf of a person whose property or interests in property have been blocked pursuant to Executive Order 13224 (66 Fed. Reg. 49079; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism); and

(C) a person whose property or interests in property are blocked pursuant to the International Emergency Economic Powers Act in connection with Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction, or to further Iran's development of ballistic missiles and destabilizing types and amounts of conventional weapons; and

(2) no longer knowingly engages in illicit or deceptive financial transactions or other activities.

(d) FORM.—A certification described in subsection (c) shall be submitted in unclassified form, but may contain a classified annex.

(e) DEFINITIONS.—In this section:

(1) FOREIGN FINANCIAL INSTITUTION.—The term "foreign financial institution" has the meaning given such term in section 1010.605 of title 31, Code of Federal Regulations.

(2) FOREIGN TERRORIST ORGANIZATION.—The term "foreign terrorist organization" means any organization designated by the Secretary of State as a foreign terrorist organization in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(3) IRANIAN FINANCIAL INSTITUTION.—The term "Iranian financial institution" has the meaning given the term in section 104A(d)(3) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513b(d)(3)).

#### SEC. 3. CERTIFICATION REQUIREMENT FOR REMOVAL OF CERTAIN FOREIGN PERSONS FROM THE LIST OF SPECIALLY DESIGNATED NATIONALS AND BLOCKED PERSONS.

(a) IN GENERAL.—On or after July 19, 2015, the President may not remove a foreign person described in subsection (b) from the list of specially designated nationals and blocked persons maintained by the Office of Foreign Asset Control of the Department of the

Treasury until the President submits to the appropriate congressional committees a certification described in subsection (c) with respect to the foreign person.

(b) COVERED PERSONS AND ENTITIES.—A foreign person described in this subsection is a foreign person listed in Attachment 3 or Attachment 4 to Annex II of the Joint Comprehensive Plan of Action.

(c) CERTIFICATION.—The President may remove a foreign person described in subsection (b) from the list of specially designated nationals and blocked persons maintained by the Office of Foreign Asset Control of the Department of the Treasury if the President submits to the appropriate congressional committees a certification that the foreign person—

(1) has not knowingly assisted in, sponsored, or provided financial, material, or technological support for, or financial or other services to or in support of terrorism or a terrorist organization; and

(2) has not knowingly engaged in significant activities or transactions that have materially contributed to the Government of Iran's proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer, or use such item.

(d) FORM.—A certification described in subsection (c) shall be submitted in unclassified form, but may contain a classified annex.

(e) DEFINITIONS.—In this section:

(1) FOREIGN PERSON.—The term "foreign person"—

(A) means—

(i) an individual who is not a United States person;

(ii) a corporation, partnership, or other nongovernmental entity which is not a United States person; or

(iii) any representative, agent or instrumentality of, or an individual working on behalf of a foreign government; but

(B) does not include a foreign financial institution, including an Iranian financial institution, described in section 2(b).

(2) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

#### SEC. 4. CERTIFICATION REQUIREMENT FOR REMOVAL OF DESIGNATION OF IRAN AS A JURISDICTION OF PRIMARY MONEY LAUNDERING CONCERN.

(a) IN GENERAL.—The President may not remove the designation of Iran as a jurisdiction of primary money laundering concern pursuant to section 5318A of title 31, United States Code, unless the President submits to the appropriate congressional committees a certification described in subsection (b) with respect to Iran.

(b) CERTIFICATION.—The President may remove the designation of Iran as a jurisdiction of primary money laundering concern if the President submits to the appropriate congressional committees a certification that the Government of Iran is no longer engaged in support for terrorism, pursuit of weapons of mass destruction, and any illicit and deceptive financial activities.

(c) FORM.—The certification described in subsection (b) shall be submitted in unclassified form, but may contain a classified annex.

(d) DEFINITION.—In this section, the term "appropriate congressional committees" means—