

# Key Vote Alert

April 18, 2023

To the Members of the U.S. House of Representatives:

The U.S. Chamber of Commerce urges you to vote to override President Biden's veto of the Congressional Review Act resolution which would undo the overly burdensome and legally problematic 2023 Waters of the United States (WOTUS) rule. The new WOTUS rule, issued under the Clean Water Act by the Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps), represents a major step backward for reforming a federal permitting process that is stifling new infrastructure, from pipelines and critical mineral mining to renewable energy generation. **The Chamber will consider including votes related to this legislation in our annual *How They Voted* scorecard.**

This legislation would ensure that EPA and the Corps appropriately reconsider their approach to WOTUS regulatory jurisdiction after the Supreme Court decides the *Sackett* case, which could give much-needed clarity regarding the scope of these agencies' WOTUS jurisdiction. The CRA resolution would also speed the resolution of several legal challenges to the 2023 WOTUS rule, including a lawsuit brought in federal court in Kentucky by the Chamber, the Kentucky Chamber of Commerce, the Georgia Chamber of Commerce, and other plaintiffs. Following recent rulings from federal courts in North Dakota and Texas, the rule is now enjoined in 26 states, and thus is not in force in more than one half of the country.

While Congress has made significant investments in infrastructure, the Administration's WOTUS rule would make it more difficult for progress to be achieved. Under the new rule, businesses of all sizes would need to navigate an expensive and time-consuming permitting process. The WOTUS rule also imposes expansive, vague tests for determining federal jurisdiction that exceed the federal government's statutory authority and are very difficult to use or understand. The business community and landowners across the United States have made building smart, modern, resilient infrastructure and improved water quality among our top priorities. The CRA resolution would help drive a clear, consistent, and durable WOTUS definition to meet our ambitious national climate and infrastructure commitments.

We urge you to vote "yes" when the override proposal comes to the floor later today.

Sincerely,



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