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PURPOSE OF LEGISLATION

The purpose of H.R. 3898, as amended, is to amend the Federal Water Pollution Control Act to make targeted with respect to waters of the United States, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The *Clean Water Act (CWA)* is the primary law governing water quality of the Nation’s surface waters.¹ Congress enacted the 1972 amendments to the *Federal Water Pollution Control Act*, which is commonly referred to as the *CWA*, with the objective to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”²

The *CWA* consists of two major parts: (1) the authorization of financial assistance for construction of municipal wastewater treatment plants, and (2) the regulatory requirements that apply to those who discharge into navigable waters, including for industrial and municipal actors.³

¹ H. COMM. ON TRANSP. & INFRASTRUCTURE, JURISDICTION AND ACTIVITIES OF THE SUBCOMM. ON WATER RESOURCES AND ENVIRONMENT, 119TH CONG., (2025) (on file with Comm.).

² *CWA*, Pub. L. 92-500, 86 Stat. 816 [hereinafter *CWA*].

³ See LAURA GATZ, CONG. RSCH. SERV. (RL30030), CLEAN WATER ACT: A SUMMARY OF THE LAW, (Updated Oct. 18, 2016), available at <https://www.crs.gov/Reports/RL30030> [hereinafter CRS Report RL30030].

Planning, financial, and technical assistance for various regions and issues are also addressed.⁴ Title III of the *CWA* establishes the authority for the technological and water quality-based effluent limitation guidelines that must be abided by point source dischargers.⁵ Whereas Title III of the *CWA* largely focuses on the creation of water quality guidelines and limitations, Title IV primarily deals with application of the regulatory program, informed by the guidelines created pursuant to Title III, through which dischargers must receive permits or certifications.⁶

In order to achieve its objectives, the *CWA* is predicated on the principle that discharges into waters of the United States are only lawful if authorized by a permit.⁷ Therefore, the application of various *CWA* components require a regulatory program. While certain regulatory programs under the law may only be carried out by the Federal Government, through either the Environmental Protection Agency (EPA) or the United States Army Corps of Engineers (Corps), certain responsibilities can be assumed by states approved by the EPA.⁸

Broadly, H.R. 3898, as amended, strives to once again find balance within the regulatory and permitting process originally envisioned by the *CWA* by providing a comprehensive package of commonsense reforms to support energy producers, the agriculture sector, builders, and utilities. The bill includes necessary reforms to promote regulatory efficiency, increase transparency, avoid frivolous litigation, and protect and promote clean water, all while balancing states' rights.

Prior to enactment of the *CWA*, water quality was seen as an issue primarily concerning states and localities, except where interstate waters were concerned.⁹ As such, the *CWA* continued this recognition that states and localities play an essential role in maintaining the quality of their own waters, rather than only the Federal Government.¹⁰ At the Federal level, EPA is the primary agency tasked with carrying out the *CWA*, while the Corps is also tasked with certain responsibilities. Additionally, the various permitting and environmental protection statutes in the *CWA* were meant to be shared between the Federal Government and state and local governments.¹¹ The *CWA* is a law predicated on the principle of cooperative Federalism, with the Federal Government and states each playing a role in protecting water quality.

In keeping with the Federal-state goals of the *CWA*, Section 401 requires an applicant for a Federal license or permit that may result in a discharge into navigable waters to obtain a water quality certification from the state or Tribe (or EPA, in the case of tribal lands where a tribe has not been granted treatment as a state) in which a discharge is to take place.¹² The purpose of the

⁴ *Id.*

⁵ See CRS REPORT RL30030, *supra* note 3; see also *CWA*, *supra* note 2, §§ 301-320.

⁶ See CRS REPORT RL30030, *supra* note 3; see also *CWA*, *supra* note 2, §§ 301, 402, 404.

⁷ See CRS REPORT RL30030, *supra* note 3.

⁸ See e.g. *CWA*, *supra* note 2, §§ 401, 402, 404.

⁹ CRS REPORT RL30030, *supra* note 3.

¹⁰ *Id.*

¹¹ See e.g. Brief of Sen. Shelley Moore Capito, Rep. Sam Graves, and a Coalition of 199 Members of Congress as *Amici Curiae* supporting Petitioners, *Sackett v. EPA*, No. 21-154, (Oct. 3, 2022).

¹² LAURA GATZ & KATE R. BOWERS, CONG. RSCH. SERV. (R46615), CLEAN WATER ACT SECTION 401: OVERVIEW AND RECENT DEVELOPMENTS, (updated Feb. 7, 2025), available at <https://www.crs.gov/Reports/R46615> [hereinafter CRS REPORT R46615].

water quality certification issued by the state or Tribe is to certify that any discharges from a Federally permitted activity will comply with certain water quality requirements of the *CWA*, including effluent limitations and performance standards, water quality standards, and toxic pretreatment standards.¹³

Examples of Federally licensed or permitted projects commonly requiring water quality certification include those requiring discharge permits under sections 402 and 404 of the *CWA*, or sections 9 and 10 of the *Rivers and Harbors Act*, licenses from the Federal Energy Regulatory Commission (FERC), bridge permits from the Coast Guard, shoreline permits from the Tennessee Valley Authority, and more.¹⁴ These statutes cover a wide variety of projects, including hydropower projects, wastewater treatment plants, pipeline projects, infrastructure development, mining projects, water resource development projects, and residential or commercial development.¹⁵

Current implementation practices of section 401, however, have been shaped by decades-worth of litigation and unclear guidance. Until 2020, implementation regulations for section 401 published in 1971 were in effect.¹⁶ These regulations implemented the certification provisions of section 21(b) of the *Federal Water Pollution Control Act of 1948*, but EPA did not update the regulations to reflect the changes in the statutory text for nearly fifty years.¹⁷ During this time, many processes evolved in practice that were not reflected in the statute. H.R. 3898, as amended, codifies certain practices and clarifies others, to balance the role of state and Federal Government, and provide certainty and predictability to permittees and licensees that depend on a clear and useable 401 process.

In particular, some stakeholders have raised concerns that states have misused the section 401 process, specifically weaponizing section 401 to prevent important energy projects from obtaining certification and halting their progress in construction.¹⁸ For example, some states have cited non-water quality related reasons in the 401 process to delay projects, expanded the scope of review beyond the direct effects of a discharge, and circumvented the timelines set out in statute.

In 2017, the Washington Department of Ecology denied water quality certification with prejudice for a proposed energy export terminal project, meaning that the applicants could not reapply in the future. In doing so, the Department cited nine adverse impacts for denial — air quality, vehicle transportation, noise and vibration, social and community resources, rail

¹³ Eric Christensen & Allyn Stern, *The Biden Boomerang Effect Reaches Clean Water Act Section 401*, NATIONAL LAW REVIEW, (Sept. 21, 2023); see *CWA*, *supra* note 2 at § 401.

¹⁴ See EPA, *Overview of CWA Section 401 Certification*, available at <https://www.epa.gov/cwa-401/overview-cwa-section-401-certification>.

¹⁵ *Id.*

¹⁶ State Certification of Activities Requiring a Federal Permit or License, 36 Fed. Reg. 22487 (Nov. 25, 1971) (formerly codified at 40 C.F.R. § 121).

¹⁷ *Id.*; CRS REPORT R46615, *supra* note 12.

¹⁸ See e.g. Letter from Interstate Natural Gas Association of America to Reps. Mike Collins & Frederica Wilson (Feb. 10, 2025) (on file with Comm.).

transportation, rail safety, vessel transportation, cultural resources, and tribal resources — none of which affected water quality.¹⁹

In 2020, the New York Department of Environmental Protection denied water quality certification to a proposed natural gas pipeline expansion project into Raritan Bay, despite FERC in 2019 determining that with project proponent’s “plan of impact avoidance, minimization and mitigation measures ... all project effects would be reduced to less-than-significant levels.”²⁰

The State of Oregon delayed a proposed LNG export terminal by requesting more information from project proponents before eventually denying certification.²¹ By citing the need for additional information, the state was able to argue that the one-year “shot clock” for review of a request for certification should start over once a request is resubmitted.²²

In California, some hydropower relicensing projects have been delayed for decades due to the State’s various attempts to circumvent the one-year timeline for review. For example, at a Water Resources and Environment Subcommittee hearing in February 2025, the Committee received testimony for the record from the Modesto Irrigation District and Turlock Irrigation District that explained the State “has abused and expanded this opportunity, using it not as the opportunity to ensure that any federally authorized discharge complies with applicable water quality, but rather as an opportunity to seize control and oversight of the [Don Pedro irrigation] Project as a whole to achieve policy goals that are often only tangentially related to water quality and which have nothing to do with the licensed activity itself.”²³

Section five of H.R. 3898, as amended, aims to mitigate the problems of permitting uncertainty and weaponization of Section 401 under the *CWA*. This section promotes the development of the Nation’s energy infrastructure and myriad other projects by clarifying the scope of review to include only water quality reasons from the discharge at issue, defines what is required to be included in a request for certification, codifies what actions states may take after receipt of a request for certification, and clarifies the entity in charge of enforcing conditions added in through the 401 process.

¹⁹ See Letter from Maia D. Bello, Director, Washington Department of Ecology, to Kristin Gaines, Millennium Bulk Terminals-Longview, LLC, (Sept. 26, 2017), *available at* <https://ecology.wa.gov/getattachment/8349469b-a94f-492b-acca-d8277e1ad237/MBTL-Denial.pdf>.

²⁰ Letter from Daniel Whitehead to Joseph Dean, Transcontinental Gas Pipe Line Company, LLC, (May 15, 2020), *available at* https://extapps.dec.ny.gov/docs/permits_ej_operations_pdf/neseqwqcd denial05152020.pdf; Transcontinental Gas Pipe Line Company, LLC; Notice of Final General Conformity Determination for the Proposed Northeast Supply Enhancement Project, 84 Fed. Reg. 5078, (Feb. 20, 2019), *available at* <https://www.federalregister.gov/documents/2019/02/20/2019-02830/transcontinental-gas-pipe-line-company-llc-notice-of-final-general-conformity-determination-for-the>.

²¹ OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY, *Jordan Cove Energy Project: Current Actions*, *available at* <https://www.oregon.gov/deq/Programs/Pages/Jordan-Cove.aspx>

²² *Id.*

²³ *America Builds: Clean Water Act Permitting and Project Delivery, Before the Subcomm. On Water Resources and Environment of the H. Comm. On Transp. And Infrastructure*, 119th Cong. (Feb. 10, 2025) (Testimony for the Record from Modesto Irrigation District and Turlock Irrigation District) (on file with Comm.).

Another key aspect of the *CWA*'s framework of cooperative Federalism is the ability for States to carry out the permitting programs set up by sections 402 and 404 of the *CWA*. While 47 states have assumed the ability to carry out the National Pollution Discharge Elimination System (NPDES) programs under section 402, only two states (Michigan and New Jersey) have been delegated authority to administer their own 404 dredge and fill programs.²⁴ Florida had begun administering its own 404 permitting program after the program was approved in December 2020; currently, however, the program has been divested of its authority due to a Federal judicial order.²⁵ Other states have acknowledged interest in implementing their own 404 program, but concerns about taking on the costs of running such a program are often a barrier.²⁶

Sections 14 and 16 of H.R. 3898, as amended, are focused on providing clarity to the process of state assumption of dredge and fill permitting under section 404 of the *CWA*. Section 16 requires EPA to complete a review of the applicable regulations to state assumption of the section 404 program and implement revisions necessary to encourage state assumption. Section 14 establishes a deadline relating to EPA's review of a state's application to assume section 404 permitting. Section 20 of H.R. 3898, as amended, encourages states with delegated permitting authorities under the *CWA* to utilize the Federal Permitting Improvement Steering Council to improve coordination across relevant Federal and state agencies. In general, H.R. 3898, as amended, furthers the goals of cooperative Federalism that the *CWA* is based upon by encouraging states to take the lead in administering *CWA* permits.

Furthermore, *CWA* section 303(c) directs states to adopt water quality standards (WQS) for navigable waters. The EPA is charged with approving the state-developed standards. WQS serve as the basis for several *CWA* programs, including the development of total maximum daily loads (TMDLs), certifications of Federal licenses and permits under section 401, NPDES permits under section 402, and dredge and fill permits under section 404.

Currently, *CWA* section 402(q) requires municipalities with combined sewer overflows to develop long-term control plans (LTCs) to minimize or eliminate discharges. It also instructs states to review and, as appropriate, modify existing WQS while municipalities are developing and implementing LTCs to support compliance with the *CWA*. Those reviews, however, have largely not happened, and despite municipalities investing millions of dollars in upgrading their facilities, many are no closer to being deemed in compliance with the *CWA*.²⁷ Many stakeholders have also raised concerns about states developing WQS that are not attainable based on available

²⁴ *Id.*

²⁵ EPA, *State and Tribal Assumption of Section 404 of the Clean Water Act*, available at <https://www.epa.gov/cwa404g/us-interactive-map-state-and-tribal-assumption-under-cwa-section-404>; see also STATE OF FLORIDA, *State 404 Program*, available at <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/state-404-program>.

²⁶ *America Builds: The State of the Nation's Transportation System: Hearing Before the H. Comm. on Transp. and Infrastructure*, 119th Cong. (Jan. 15, 2025), (Testimony of Hon. Jeff Landry, Governor, State of Louisiana).

²⁷ National Association of Clean Water Agencies, Comments on EPA's Draft Guidance for Future NPDES Permitting of Combined Sewer Systems (Docket ID No. EPA-HQ-OW-2023-0475).

technology.²⁸ For example, the State of Washington has set WQS that are so low many industries are concerned they will not be able to comply with the *CWA*.²⁹

While the *CWA* protects “navigable waters,” which are broadly defined in the *CWA* as the “waters of the United States, including the territorial seas,”³⁰ the *CWA* does not further define the term “waters of the United States” (WOTUS). Ultimately, the *CWA* grants authority to the EPA and the Corps to implement the *CWA*, and EPA and the Corps have promulgated several sets of rules defining WOTUS as it governs the scope of *CWA* authority. There has been a substantial amount of regulation and litigation in the Federal Courts on the scope of *CWA* jurisdiction over the years, including multiple United States Supreme Court cases. In May 2023, the Supreme Court concluded in *Sackett v. EPA* (*Sackett*) that the *CWA*’s jurisdiction encompasses waters that are “relatively permanent, standing or continuously flowing bodies of water ‘forming geographical features’ that are described in ordinary parlance as ‘streams, oceans, rivers, and lakes.’”³¹ The Supreme Court also held that jurisdictional wetlands “must be indistinguishably part of a body of water that itself constitutes ‘waters’ under the *CWA*.”³²

The recent *Sackett* decision provided additional direction on the WOTUS definition, and therefore, the jurisdiction of the *CWA*. However, the conforming rule issued by the EPA and the Corps during the Biden Administration did not include or clarify certain phrases and terms applied in *Sackett*. The Biden Administration developed additional guidance to implement the “continuous surface connection” test outlined by *Sackett*, while simultaneously working through individual requests for *CWA* jurisdictional determinations in light of the *Sackett* decision. However, many stakeholders in the regulated community have raised concerns about the slow pace at which the Biden Administration directed EPA and the Corps to implement *Sackett*, as well as the lack of clear direction the Biden Administration provided to the regulated public, even through its supplemental guidance.

Although the Trump Administration is initiating a process to revise the Biden rule and published updated implementation guidance,³³ the regulatory ambiguities following the *Sackett* decision caused confusion in applying the rule, especially for Corps districts who are tasked with issuing jurisdictional determinations (JDs), which are generally required as part of the *CWA* section 404 permit process.³⁴ For example, the Army Corps of Engineers has recently reported

²⁸ *Id.*

²⁹ Brief of the American Exploration & Mining Association, American Farm Bureau Association, Fertilizer Institute, National Association of Home Builders, National Association of Manufacturers, and National Mining Association as *Amici Curiae* supporting Plaintiffs’ motion for summary judgement, *Association of Washington Business, et al. v. EPA* (May 20, 2024).

³⁰ *CWA*, *supra* note 2.

³¹ *Sackett v. Environmental Protection Agency*, 598 U.S. 651 (2023) [Hereinafter *Sackett*].

³² *Id.*

³³ EPA and Department of the Army, Corps of Engineers, *The Final Response to SCOTUS; Establishment of a Public Docket; Request for Recommendations* 40 Fed. Reg. 120, (March 24, 2025), available at https://www.epa.gov/system/files/documents/2025-03/wotus_notice_march2025.pdf.

³⁴ Jurisdictional determinations are performed on a property in order to delineate which waters are Waters of the U.S. and are therefore subject to *CWA* § 404.

there are currently 3,588 pending JDs.³⁵ This backlog is delaying permits from moving forward that are critical to building new roads, homes, and other important infrastructure projects across the country. Because of this, section 17 of H.R. 3898, as amended, requires the Army Corps of Engineers to allocate all necessary resources and staff to address the backlog of JDs.

Despite the continuously changing definition of a WOTUS, there have been certain exclusions to the definition that have endured both Democrat and Republican administrations for waste treatment systems,³⁶ ephemeral features,³⁷ prior converted cropland,³⁸ and groundwater.³⁹ Section 18 of H.R. 3898, as amended, codifies those exclusions into law, providing certainty and durability for the regulated community who have utilized those exemptions for decades.

Section 402 of the *CWA* authorizes the National Pollutant Discharge Elimination System (NPDES) program to regulate discharges of pollutants from point sources into navigable waters.⁴⁰ Point sources are defined as “any discernible, confined and discrete conveyance, such as a pipe, ditch, channel, conduit, discrete fissure, or container,”⁴¹ and also include “vessels or other floating craft” from which pollutants may be discharged.⁴² Certain agriculture, silviculture, and stormwater runoff are exempted from requiring a NPDES permit.⁴³ Sections 9 and 10 of H.R. 3898, as amended, further clarifies these exemptions for agriculture runoff and aerial fire-retardant, respectively, which have experienced legal uncertainty over the last decade.

The *CWA* explicitly excludes “agricultural stormwater discharges” and “return flows from irrigated agriculture” from the definition of a point source, which means these discharges are not required to be regulated under the NPDES program.⁴⁴ Despite this clear exemption, in 2011, the EPA ordered a poultry farmer, Lois Alt, in West Virginia to obtain a NPDES permit for stormwater runoff from her farmyard, which is the area directly outside of the poultry production house.⁴⁵ The EPA claimed that chicken feathers, manure, dander, and other debris that had been pushed out of

³⁵ E-mail from Amy Klein, Congressional Affairs Program Manager, U.S. Army Corps of Engineers HQ to Lydia Denis, Professional Staff, H. Comm. On Transp. and Infrastructure (June 5, 2025) (on file with Comm.).

³⁶ The waste treatment system exclusion, which includes features like treatment ponds and lagoons that are intended to improve water quality, was first codified in 1979. This exclusion was maintained by subsequent administrations, including the Biden Administration.

³⁷ Ephemeral features, which flow only in direct response to precipitation, have been consistently excluded from the WOTUS definition. The Reagan and Bush Administrations generally treated these features as non-jurisdictional, but the Obama Administration included some ephemeral streams as jurisdictional, which was a flashpoint for litigation. The Trump Administration explicitly excluded ephemeral features in their 2020 regulations, which was ultimately maintained by the Biden Administration because of the Supreme Court ruling in *Sackett*.

³⁸ Prior Converted Cropland, which are wetlands that were converted to agricultural lands and cultivated with a commodity crop prior to December 23, 1985, have been continuously excluded from the WOTUS definition since 1993.

³⁹ There has been increased interest from environmental organizations in making groundwater jurisdictional under the *CWA*. However, the *CWA* is only authorized to regulate surface waters.

⁴⁰ *CWA*, *supra* note 2, § 402.

⁴¹ *Id.*

⁴² *Id.*; see generally also EPA, *NPDES Permit Basics*, available at <https://www.epa.gov/npdes/npdes-permit-basics> [Hereinafter NPDES Basics].

⁴³ *Id.*

⁴⁴ *CWA*, *supra* note 2, § 402(l).

⁴⁵ *Alt v. EPA*, 979 F. Supp. 2d 701 (N.D.W. Va. 2013).

the poultry house through the ventilation system, and landed in areas outside the poultry production houses, qualify as a discharge. Ms. Alt challenged this order, and the United States Court for the Northern District of West Virginia ruled against EPA in 2013, rejecting its argument that the *CWA* regulates ordinary stormwater runoff from non-production areas at livestock or poultry farms.⁴⁶

The EPA initially appealed the case, but it voluntarily withdrew the appeal a few months later. In a public statement, the EPA stated that it “remains committed to working with the agricultural community to ensure compliance with this legal requirement and to pursue enforcement when necessary,”⁴⁷ indicating its intent to circumvent the agricultural stormwater exemption in the *CWA*. Section 9 of H.R. 3898, as amended, clarifies the scope of the agriculture stormwater exemption under the NPDES program to prevent future EPA’s from unlawfully requiring agricultural operations from requiring a NPDES permit for stormwater discharges.

Conversely, the EPA has historically not required a permit for aerial fire-retardant discharges under the NPDES program. However, in October 2022, the Forest Service Employees for Environmental Ethics (FSEEE) brought suit against the United States Forest Service (USFS) for discharging aurally deployed fire retardant into navigable waters without a NPDES permit, in violation of the *CWA*.⁴⁸ The United States District Court for the District of Montana subsequently granted, in part, FSEEE’s motion for summary judgement on the basis that USFS had violated the *CWA* for the discharge of aerial fire retardant without a NPDES permit and required the EPA to work with USFS to develop a permit.⁴⁹ Section 10 of H.R. 3898, as amended, clarifies that aurally discharged fire-retardant does not require a NPDES permit.

Similarly, for more than three decades following the enactment of the *CWA*, EPA did not consider registered pesticides used in compliance with the *Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)* as pollutants that required additional permits through the NPDES program, formalized in a 2006 Rule promulgated by EPA.⁵⁰ However, in 2009, the United States Sixth Circuit Court of Appeals held in *National Cotton Council, et al. v. EPA*, that the final rule was not a reasonable interpretation of the *CWA* and vacated the rule.⁵¹ The court held that NPDES permits are required for the application of biological pesticides or the application of chemical pesticides that leave a residue in water when such applications are made to, or conveyed into, a WOTUS.⁵²

⁴⁶ *Id.*

⁴⁷ See Cynthia Giles, A Commitment to Keep Our Waters Clean and Safe, <http://blog.epa.gov/blog/2014/09/a-commitment-to-keep-our-watersclean-and-safe/>.

⁴⁸ Forest Service Employees for Environmental Ethics v. United States Forest Service, 2023 WL 3687454, (D. Mont. May 26, 2023); *CWA* § 402 (prohibiting the discharge of any pollutant from any point source to navigable waters unless authorized by a permit. These permits are referred to as “National Pollutant Discharge Elimination System” permits.).

⁴⁹ Forest Service Employees for Environmental Ethics, 2023 WL 3687454.

⁵⁰ LAURA GATZ, ET AL., CONG. RSCH. SERV. (IF10919), PERMITTING FOR PESTICIDE DISCHARGES INTO NAVIGABLE WATERS: ISSUES AND LEGISLATION IN THE 117TH CONGRESS, (Updated May 27, 2022), available at <https://www.crs.gov/Reports/IF10919>; EPA, *Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Federal Facilities*, available at <https://www.epa.gov/enforcement/federal-insecticide-fungicide-and-rodenticide-act-fifra-and-federal-facilities>.

⁵¹ *National Cotton Council of America v. U.S. Environmental Protection Agency*, 553 F.3d 927 (6th Cir. 2009).

⁵² *Id.*

Concerns were raised at the time of the *National Cotton Council* case that requiring additional regulation of pesticides under the *CWA* would create a duplicative permitting process without providing any additional health benefits. For example, then-Secretary of Agriculture Tom Vilsack wrote to then-EPA Administrator Lisa Jackson, stating, “subjecting *FIFRA*-compliant pesticides to the additional regulatory regime of the *CWA* is duplicative and will not help protect the environment.”⁵³ Section 11 of H.R. 3898, as amended, restores EPA’s longstanding interpretation that *FIFRA*-compliant pesticides do not require a duplicative permitting process through the NPDES program.

Since all point source dischargers are subject to the NPDES program, a total of more than 65,000 industrial and municipal conventional dischargers are required to obtain permits pursuant to section 402.⁵⁴ In addition, NPDES permits are required for stormwater discharges from industrial and municipal sources, including over 150,000 individual sources.⁵⁵ NPDES permits require the point source to attain technology-based effluent limits, while specifying the numerical effluent limitations that sources must meet in order to guarantee water quality where possible, and a deadline for compliance.⁵⁶ Point sources may, in some instances, apply for a NPDES general permit as opposed to a NPDES individual permit. An individual NPDES permit is written for site-specific discharges that are unique to a specific location or discharge.⁵⁷

Currently, general and individual NPDES permits are issued for up to five years and must be renewed thereafter if discharges continue.⁵⁸ However, if the permittee provides a complete application, but is not reissued a permit prior the date of expiration, the permit may be “administratively continued.”⁵⁹ Permit applications are considered backlogged for new applications if they are not issued or denied within 365 days of receipt, and for extensions if they are administratively continued for 180 days or more.⁶⁰ H.R. 3898, as amended, seeks to provide more certainty for all NPDES permit holders. Section 7 authorizes NPDES permits to be issued for up to ten years, and Section 7 requires EPA to provide two-year notice to general permit holders if that permit will not be renewed and allows the permit to continue past its expiration date if two-year notice is not provided to the permit holder.

Under section 304(a) of the *CWA*, the EPA is required to develop, publish, and, from time to time, revise criteria for water quality. These criteria serve as recommendations to states for defining ambient surface water conditions of a water body to protect against adverse effects to

⁵³ Letter from Hon. Thomas J. Vilsack, Secretary, United States Dep’t of Agriculture, to Hon. Lisa P. Jackson, Fmr. Administrator, United States Environmental Protection Agency, Re: The National Cotton Council, et. al., v. United States Environmental Protection Agency, (Mar. 6, 2009) (on file with Comm.).

⁵⁴ CRS REPORT RL30030, *supra* note 3.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ See NPDES Permit Basics, *supra* note 42.

⁵⁸ See *id.* (stating applicants for NPDES permit renewals must complete an application for renewal at least 180 days prior to original expiration).

⁵⁹ *Id.*

⁶⁰ *Id.*

aquatic life and human health.⁶¹ These criteria are often adopted by states and help inform the development of water quality-based effluent limits included in NPDES permits.⁶² Currently, the EPA voluntarily accepts comments on proposed criteria under 304(a) and subjects them to review from its own Science Advisory Board. In a hearing before the Subcommittee on May 16, 2023, a witness representing the National Association of Clean Water Agencies, Mickey Conway, Chief Executive Officer (CEO) of Metro Water Recovery in Denver, CO, testified, “[a]s utilities face complex and costly infrastructure challenges over the next fifty years, it is critical that the limits imposed in NPDES permits be based on the best available science and a complete record, not political whim or expedience.”⁶³ Section 3 of H.R. 3898, as amended, increases the transparency of the process of creating limits for NPDES permits by requiring that water quality criteria are developed through an official rulemaking, which allows outside comments made by stakeholders, experts, and others, to be considered. It also ensures that the rulemaking is subject to limited judicial review.

The *CWA* provides for two types of general limits on pollution discharges – a technology-based limit (TBEL) and a more-stringent water quality-based limit (WQBEL) when technology-based limits alone, are insufficient to address local water quality concerns. Permit writers must consider the potential impact of every proposed surface water discharge on the quality of the receiving water. If TBELs are not sufficient to meet the water quality standards in the receiving water, the *CWA* (section 303(b)(1)(B)) and NPDES regulations (40 C.F.R. 122.44(d)) require that the permit writer develop more stringent, water quality-based effluent limits (WQBELs).⁶⁴

TBELs for industrial dischargers reflect effluent limitation guidelines (ELGs). ELGs are technology-based, wastewater discharge standards that are developed by the EPA on an industry-by-industry basis. ELGs are intended to represent the greatest pollutant reductions that are economically achievable for an industry and are based on available technologies.⁶⁵ Since 1972, EPA has promulgated ELGs for 59 industrial categories, including the steam electric power industry — which covers power plants that use nuclear or fossil fuels to generate steam used to produce electricity.⁶⁶ Some have raised concerns that the technologies used to develop the ELG for steam electric power under the Biden Administration was based on data from foreign countries, including China.⁶⁷ Section 4 of H.R. 3898, as amended, requires ELGs to be based on technology that is commercially available in the United States that has also been demonstrated at an applicable scale.

⁶¹ EPA, *NPDES Permit Writers' Manual*, available at https://www.epa.gov/sites/default/files/2015-09/documents/pwm_2010.pdf.

⁶² *Id.*

⁶³ *The Next Fifty Years of the Clean Water Act: Examining the Law and Infrastructure Project Completion, Before the Subcomm. on Water Resources and Environment of the H. Comm. on Transp. And Infrastructure*, 118th Cong., (May 16, 2023) (written testimony of Mr. Mickey Conway, CEO, Metro Water Recovery, Denver Colorado, *on behalf of* National Association of Clean Water Agencies).

⁶⁴ EPA, *Permit Limits-TBELs and WQBELs*, available at <https://www.epa.gov/npdes/permit-limits-tbels-and-wqbels>.

⁶⁵ EPA, *Learn about Effluent Guidelines*, available at <https://www.epa.gov/eg/learn-about-effluent-guidelines>.

⁶⁶ LAURA GATZ, CONG. RSCH. SERV. (IF12705), EFFLUENT LIMITATION GUIDELINES (ELGs) FOR STEAM ELECTRIC POWER PLANTS (updated Mar. 26, 2025), available at <https://www.crs.gov/Reports/IF12705>.

⁶⁷ See Comments of the National Mining Association on EPA's Proposed Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category; Docket ID No. EPA-HQ-OW-2009-0812

Section 402(k) of the *CWA* provides a “permit shield” for permit holders.⁶⁸ Under this provision, if a permittee is in compliance with its NPDES permit terms, they are shielded from enforcement action from agencies and third parties. The United States Supreme Court has held that this permit shield serves to “insulate permit holders from changes in various regulations during the period of a permit and to relieve permit holders of having to litigate the question of whether their permits are sufficiently strict. In short, section 402(k) serves the purpose of giving permits finality.”⁶⁹

Some permit holders contend that permit writers are inappropriately incorporating generic requirements within NPDES permits as enforceable effluent limitations, which have attracted legal challenges. For example, the San Francisco Public Utilities Commission (SFPUC) sued the EPA for requiring their NPDES permit to include broad language outside of clear effluent limitations mandating their discharges to not “cause or contribute to the violation of water quality standards.”⁷⁰

In March 2025, the Supreme Court held in *City and County of San Francisco v. Environmental Protection Agency* that the CWA allows EPA to issue permits that limit a permit holder’s discharges and that these “end-result” requirements, routinely imposed in NPDES permits through generic language, were inconsistent with the *CWA*.⁷¹ Specifically, the court stated: “[W]e hold that §1311(b)(1)(C) does not authorize the EPA to include “end-result” provisions in NPDES permits. Determining what steps a permittee must take to ensure that water quality standards are met is the EPA’s responsibility, and Congress has given it the tools needed to make that determination. If the EPA does what the CWA demands, water quality will not suffer.”⁷²

Section 8 of H.R. 3898, as amended, would reaffirm the Supreme Court’s ruling in *San Francisco v. EPA* and clarify the scope of the permit shield as outlined by a 1994 EPA policy guidance document.⁷³ The 1994 guidance specified that permittees are shielded from liability under lawful NPDES permits for (1) pollutants specifically limited in a permit; (2) pollutants specifically identified as present in a permit; or (3) pollutants not specifically identified as present, but which are constituents of operations or processes that are specifically identified in a permit.⁷⁴ It also requires permit writers to include specific information on the pollutant limitation, therefore reducing ambiguity and the use of generic language in NPDES permits.

A Total Maximum Daily Load (TMDL) is often referred to as a “pollution diet” and is defined as the “calculation of the maximum amount of a pollutant allowed to enter a waterbody so that the waterbody will meet and continue to meet water quality standards for that particular

⁶⁸ *CWA*, *supra* note 2, §402(k).

⁶⁹ *E. I. du Pont de Nemours & Co. v. Train*, 430 U.S. 112 (1977).

⁷⁰ *San Francisco v. EPA*, 604 U.S. ____ (2025).

⁷¹ *Id.*

⁷² *Id.*

⁷³ EPA, *Policy Statement on Scope of Discharge Authorization and Shield Associated with NPDES Permits*, available at <https://www3.epa.gov/npdes/pubs/owm615.pdf>.

⁷⁴ *Id.*

pollutant”.⁷⁵ In waters where industrial and municipal sources have achieved TBELs, but WQS have not been met, dischargers may be required to meet additional pollution control requirements through a TMDL, which can impact both point source and non-point source dischargers.⁷⁶ The Chesapeake Bay TMDL is the largest, most comprehensive TMDL developed by EPA. It encompasses 64,000 square miles across six states and the District of Columbia.⁷⁷

EPA established the Chesapeake Bay TMDL in 2010 pursuant to consent decrees resolving litigation over impairment of waters in Virginia and the District of Columbia, following years of voluntary and cooperative measures taken amongst states within the Chesapeake Bay Watershed.⁷⁸ The TMDL set two broad goals: an interim goal of having 60 percent of pollution control measures needed to attain water quality standards in place by 2017 and a final goal of having 100 percent of the measures in place by 2025.⁷⁹ Litigation has taken place over the last fifteen years against the EPA for the implementation of the TMDL, as well as against certain Bay states — Pennsylvania in particular — due to concerns surrounding implementation. Section 21 of H.R. 3898, as amended, expresses that it’s the sense of Congress that the EPA should take a collaborative and cooperative approach in working with the states and the District of Columbia to achieve compliance with the Chesapeake Bay TMDL.

Section 404 of the *CWA* authorizes a separate type of permit required to discharge dredged or fill materials into navigable waters. Activities covered under the section 404 program include those associated with pipeline projects; water resources projects such as levees and dams; mining projects such as those for critical minerals; infrastructure development such as highways and airports; and other development.⁸⁰ Some activities are exempt from section 404 permitting requirements, such as certain farming and forestry activities.⁸¹

Pursuant to section 404, the Corps issues two types of permits: general and individual. The *CWA* authorizes the issuance of general permits for discharges that are “similar in nature, will cause only minimal adverse environmental effects when performed separately, and will have only minimal cumulative adverse effect on the environment”⁸² and are issued on a Nationwide, regional, or state basis for particular categories of activities.⁸³ Nationwide Permits (NWP) and Regional General Permits are issued by the Corps on a National basis and are designed to “enhance regulatory efficiency and provide clarity for the regulated public without decreasing environmental

⁷⁵ EPA, *Overview of Total Maximum Daily Loads (TMDLs)*, available at <https://www.epa.gov/tmdl/overview-total-maximum-daily-loads-tmdls>.

⁷⁶ *Id.*

⁷⁷ EPA, Chesapeake Bay TMDL Fact Sheet, available at <https://www.epa.gov/chesapeake-bay-tmdl/chesapeake-bay-tmdl-fact-sheet>.

⁷⁸ LAURA GATZ, CONG. RSCH. SERV. (IF11402), STATUS OF EFFORTS TO RESTORE CHESAPEAKE BAY WATER QUALITY (UPDATED JUNE 30, 2025), AVAILABLE AT [HTTPS://CRS.GOV/REPORTS/PDF/IF11402/IF11402.PDF](https://crs.gov/reports/pdf/IF11402/IF11402.PDF).

⁷⁹ *Id.*

⁸⁰ EPA, *Permit Program under CWA Section 404*, available at <https://www.epa.gov/cwa-404/permit-program-under-cwa-section-404> [hereinafter Permit Program under CWA Section 404].

⁸¹ *Id.*

⁸² *CWA*, *supra* note 2, §404(e).

⁸³ *Id.*; see also Permit Program under CWA Section 404, *supra* note 80.

protections.”⁸⁴ The most recent reissuance of NWP’s went into effect in February 2022, covering 59 distinct activity categories, including mooring buoys, residential developments, utility lines, road crossings, and mining activities.⁸⁵ On June 18, 2025, the Corps released a proposed rule titled “Proposal to Reissue and Modify Nationwide Permits”.⁸⁶ Similar to other permits, NWP’s are often subject to litigation.⁸⁷ Section 13 of H.R. 3898, as amended, would, in effect, codify the current process followed by the Corps in relation to its NWP program. The section also establishes minimum acreage requirements for all NWP’s.

Section 404 also authorizes the EPA to restrict, prohibit, deny, or withdraw the specification by the Corps of a site for the discharge of dredged or fill material, if the agency determines that the discharge will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas, wildlife, or recreational areas.⁸⁸ Section 404(c) is commonly referred to as the EPA’s “veto authority.” Since the *CWA*’s enactment, the EPA has issued fourteen section 404(c) determinations, most recently for the Pebble Deposit Area in Alaska.⁸⁹ Concerns have been raised about the EPA’s use of the 404(c) authority to retroactively issue a veto after a project has received a permit or preemptively veto a project before an application for a 404 permit is filed.

For example, in 2007, the Corps issued a permit for Spruce No. 1 Mine located in Logan Co., West Virginia. After a change in Administration and legal action delaying the beginning of construction, the EPA vetoed the permit retroactively in 2011.⁹⁰ In January 2023, the EPA preemptively vetoed a Section 404 permit for mine development at the Pebble Deposit Area in Bristol Bay, Alaska. This determination was made without an active section 404 permit and based on Pebble Limited Partnership’s mine plan from 2020.⁹¹ Section 12 of H.R. 3898, as amended, would only permit the EPA to issue a veto when there is an active application for a Section 404 permit, providing more certainty to permit seekers and holders, as well as permitted projects. This legislation would not have any retroactive impact on projects that have already underwent a veto process.

⁸⁴ Press Release, CORPS., *Army Corps of Engineers announces publication of 2021 Nationwide Permits* (Jan. 13, 2021), available at <https://www.usace.army.mil/Media/News-Releases/News-Release-Article-View/Article/2470506/army-corps-of-engineers-announces-publication-of-2021-nationwide-permits>.

⁸⁵ See CORPS., *2021 Nationwide Permit Information*, available at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits>.

⁸⁶ Corps, Proposed Rule, “Proposal to Reissue and Modify Nationwide Permits,” 90 Fed. Reg. 26100, (June 18, 2025).

⁸⁷ See generally *Sierra Club, Inc. v. Bostick*, CASE NO CIV-12-742-R (W.D. Okla. Dec. 30, 2013) and *Sierra Club v. U.S. Army Corps of Engineers*, 803 F.3d 31 (D.C. Cir. 2015).

⁸⁸ *CWA*, *supra* note 2, § 404(c); See also EPA, *Clean Water Act Section 404(c) “Veto Authority”*, available at <https://www.epa.gov/sites/default/files/2016-03/documents/404c.pdf>.

⁸⁹ EPA, *Chronology of CWA Section 404(c) Actions*, available at <https://www.epa.gov/cwa-404/chronology-cwa-section-404c-actions>.

⁹⁰ EPA, *Final Determination of the U.S. Environmental Protection Agency Pursuant to § 404(c) of the Clean Water Act Concerning the Spruce No. 1 Mine, Logan County, West Virginia*, available at https://www.epa.gov/sites/default/files/2015-12/documents/1_spruce_no_1_mine_final_determination_011311.pdf.

⁹¹ Final Determination to Prohibit the Specification of and Restrict the Use for Specification of Certain Waters Within Defined Areas as Disposal Sites; Pebble Deposit Area, Southwest Alaska, 88 Fed. Reg. 7441 (February 3, 2023).

In addition to the EPA’s veto authority, the *Administrative Procedure Act* provides a six-year statute of limitations for challenges to section 404 permits, which provides third parties an opportunity to legally challenge the issuance of a permit.⁹² This six-year window for legal action has caused project delays, added costs, and created uncertainty for permit seekers, as well as for the Federal Government. Mr. Noah Hanners, on behalf of the National Association of Manufacturers, at a Water Resources and Environment Subcommittee Hearing in February 2025 stated:

“Limiting the timeline for judicial review and supporting the permit shield will cut down on unnecessary litigation that delays projects and adds costs. Reasonable restrictions to the EPA’s authority under Section 404(c) of the CWA to prohibit areas as disposal sites – limiting retroactive vetoes of permits – will likewise increase confidence in the permitting process.”⁹³

Section 15 of H.R. 3898, as amended, would apply a 60-day statute of limitations to Section 404 individual permits and general permit verifications, in addition to EPA’s approval of a state’s assumption of the 404 permit program. If a court does identify compliance issues with the underlying statute, the court would be required to remand the permit back to the agency with specific timelines to take court-ordered action, generally within 180 days.

Section 19 of H.R. 3898, as amended, aims to better balance the scales of regulation and financial resources for agricultural producers under the *CWA*. Section 311(j)(1)(C) of the *CWA* directs the Federal Government to establish procedures, methods, and equipment requirements to prevent the discharge of oil and hazardous substances, which EPA has done through various rules.⁹⁴ Section 1049 of the *Water Resources Reform and Development Act of 2014 (WRRDA)* set parameters for which farms require no certification, self-certification, or certification from a professional engineer under the Spill Prevention, Control, and Countermeasure (SPCC) Rule, based on storage size of individual tanks, aggregate storage amounts, and history of discharges.⁹⁵ Section 19 raises the threshold for which farms require certification under which category, allowing more farmers to take responsibility, rather than forcing them to hire the services of certified professional engineers.

HEARINGS

For the purposes of Rule XIII, clause 3(c)(6)(A) of the 119th Congress, the following related hearings were held to develop or consider H.R. 3898, as amended:

On February 11, 2025, the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure held a hearing entitled, “America Builds: Clean

⁹² 28 U.S.C. § 2401(a).

⁹³ *America Builds: Clean Water Act Permitting and Project Delivery Before the Subcomm. On Water Resources and Environment of the H. Comm. On Transp. And Infrastructure*, 119th Cong. (Feb. 10, 2025) (written testimony of Noah Hanners, Executive Vice President, Nucor Corporation)

⁹⁴ *CWA*, *supra* note 2, § 311.

⁹⁵ *Water Resources Reform and Development Act of 2014*, Pub. L. 113-121, § 1049.

Water Act permitting and Project Delivery.” At the hearing, Members received testimony from Mr. Robert Singletary, Executive Director, Oklahoma Department of Environmental Quality; the Honorable Shawn LaTourette, Commissioner, New Jersey Department of Environmental Protection; Mr. Noah Hanners, Executive Vice President, Nucor Corporation, *on behalf of the* National Association of Manufacturers; and Mr. Buddy Hasten, President and Chief Executive officer, Arkansas Electric Cooperative Corporation, *on behalf of the* National Rural Electric Cooperative Association. This examined how Congress can ensure that the Clean Water Act (CWA) balances the goals of protecting water quality and ensuring project completion, reducing supply chain challenges, and promoting commerce.

On January 15, 2025, the Committee on Transportation and Infrastructure held a hearing entitled “America Builds: The State of the Nation’s Transportation System.” At the hearing, Members received testimony from Hon. Jeff Landry, Governor, State of Louisiana; Hon. Vanessa Fuentes, Council Member and Mayor Pro Tem, City of Austin, TX, and Chair, National League of Cities Transportation and Infrastructure Services Committee, *on behalf of the* National League of Cities; Ms. Sarah Galicia, Vice President, Transportation, The Home Depot; and Mr. Seth Schulgen, Vice President, Williams Brothers Construction, *on behalf of* The Associated General Contractors of America. The hearing examined the state of our Nation’s transportation system, investing in the country’s infrastructure, and challenges facing the supply chain, including Clean Water Act permitting.

For the purposes of Rule XIII, clause 3(c)(6)(A) of the 118th Congress, the following related hearings were held to develop or consider H.R. 3898, as amended:

On September 11, 2024, the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure held a hearing entitled, “Waters of the United States Implementation Post-Sackett Decision: Experiences and Perspectives.” At the hearing, Members received testimony from Ms. Emma Pokon, Commissioner, Alaska Department of Environmental Conservation; Nicole Rowan Director, Water Quality Control Division Colorado Department of Public Health and Environment; Courtney Briggs, Chairman, Waters Advocacy Coalition, *on behalf of the* American Farm Bureau Federation; Vincent E. Messerly, P.E., President and CEO, Stream and Wetlands Foundation, *on behalf of the* National Association of Home Builders. The hearing examined implementation of the Administration’s conforming rule on the definition of the definition of “waters of the United States” (WOTUS) under the Clean Water Act (CWA), following the 2023 Supreme Court decision in *Sackett v. EPA* (*Sackett*).⁹⁶

On Wednesday, January 17, 2024, the Full Committee on Transportation and Infrastructure held a hearing entitled, “*The State of Transportation*.” At the hearing, Members received testimony from Mr. Stephen A. Edwards, CEO and Executive Director, Virginia Port Authority; Mr. Roger Millar, Secretary of Transportation, Washington State Department of Transportation; Mr. Jeffrey G. Tucker, CEO, Tucker Company Worldwide, *on behalf of* Transportation Intermediaries Association (TIA); and Ms. Lauren Benford, Controller, Reiman Corporation, *on behalf of* Associated General Contractors of America (AGC). The hearing provided a forum for Members

⁹⁶ *Sackett*, *supra* note 31.

to discuss the current state of transportation infrastructure and supply chain challenges, along with potential improvements that could be made, including streamlining permitting process to provide certainty and efficiency.

On February 8, 2023, the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure held a hearing entitled, “Stakeholder Perspectives on the Impacts of the Biden Administration’s Waters of the United States (WOTUS) Rule.” At the hearing Members received testimony from Mr. Garrett Hawkins, President, Missouri Farm Bureau; Ms. Alicia Huey, Chairman, National Association of Home Builders; Mr. Mark Williams, Environmental Manager, Luck Companies, *on behalf of* National Stone, Sand & Gravel Association; Ms. Susan Parker Bodine, Partner, Earth & Water Law LLC; and Mr. Dave Owen, Professor of Law and Faculty Director of Scholarly Publications, UC College of the Law, San Francisco. This hearing examined the EPA and the Corps defining “waters of the United States” under the *CWA*, and its regulatory impact on stakeholders. During the hearing, witnesses also broadly discussed the need for permitting and regulatory reform under the *CWA*.

On Tuesday, May 16, 2023, the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure held a hearing entitled, “*The Next Fifty Years of the Clean Water Act: Examining the Law and Infrastructure Project Completion.*” The Subcommittee received testimony from Dr. Andrea Travnicek, Director, Department of Resources, State of North Dakota; Hon. Serena Coleman McIlwain, Secretary of the Environment, State of Maryland; Mr. Mickey Conway, CEO, Metro Water Recovery, Denver, Colorado *on behalf of* the National Association of Clean Water Agencies; and Mr. Brandon Farris, Vice President, Energy and Resources Policy, National Association of Manufacturers. This hearing examined proposals on how to modernize the *CWA* to ensure the completion of infrastructure and energy projects, reduce supply chain challenges, and promote commerce, while protecting water quality.

On Thursday, June 22, 2023, the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure held a hearing entitled, “*Review of Fiscal Year 2024 Budget Request: Agency Perspectives (Part I).*” The Subcommittee received testimony from The Honorable Michael L. Connor, Assistant Secretary of the Army for Civil Works, Department of the Army; Major General William “Butch” H. Graham, Deputy Chief of Engineers and Deputy Commanding General, United States Army Corps of Engineers; Mr. Jeff Lyash, President and CEO, Tennessee Valley Authority; and Mr. Adam Tindall-Schlicht, Administrator, Great Lakes St. Lawrence Seaway Development Corporation. This hearing provided Members with an opportunity to review the President’s Fiscal Year 2024 Budget Request, as well as the Administration’s program priorities within the jurisdiction of the Subcommittee, including permitting issues pursuant to the *CWA*.

On July 13, 2023, the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure held a hearing entitled, “*Review of Fiscal Year 2024 Budget Request: Agency Perspectives (Part II).*” The hearing gave Members the opportunity to review the Fiscal Year 2024 budget request, as well as the Administration’s program priorities within the jurisdiction of the Subcommittee, including permitting issues pursuant to the *CWA*. The Subcommittee received testimony from the Honorable Radhika Fox, Assistant Administrator, Office of Water, EPA; Dr. Maria-Elena Giner, Commissioner, IWBC, United States Section; Mr.

Louis Aspey Associate Chief, Natural Resources Conservation Service, United States Department of Agriculture; Dr. Aaron Bernstein, Director, Agency for Toxic Substances and Disease Registry; and Ms. Nicole R. LeBoeuf, Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration.

On December 5, 2023, the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure held a hearing entitled, “*Water Resources Development Acts: Status of Past Provisions and Future Needs*.” At the hearing Members received testimony from The Honorable Michael L. Connor, Assistant Secretary of the Army for Civil Works, Department of the Army and Lieutenant General Scott A. Spellmon, Commanding General and Chief of Engineers, United States Army Corps of Engineers. The hearing gave Members the opportunity to review past provisions in *Water Resources Development Acts (WRDAs)* and discuss needs for future WRDAs. Also at the hearing, Members discussed various *CWA* permitting processes, including implementation of the post-*Sackett* WOTUS rule.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 3898, the “*Promoting Efficient Review for Modern Infrastructure Today Act*” or “*PERMIT Act*,” was introduced in the United States House of Representatives on June 11, 2025, by Mr. Collins of Georgia, with Mr. Graves as an original cosponsor, and referred to the Committee on Transportation and Infrastructure. Within the Committee on Transportation and Infrastructure, H.R. 3898 was referred to the Subcommittee on Water Resources and Environment. The Subcommittee on Water Resources on Environment was discharged from further consideration of H.R. 3898 on June 25, 2025.

The Committee considered H.R. 3898 on June 25, 2025, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by a recorded vote of 34 yeas to 30 nays.

The following amendments were offered:

An Amendment in the Nature of a Substitute to H.R. 3898, offered by Mr. Collins of Georgia; was AGREED TO by voice vote.

A Manager’s Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Chairman Graves of Missouri (Graves 01): Page 3, line 4, insert “(including whether the technologies have been demonstrated at an applicable scale)” after “treatment technologies”. Page 3, line 15, strike “availability of treatment technologies” and insert “availability in the United States of treatment technologies (including whether the technologies have been demonstrated at an applicable scale)”. Page 4, line 19, strike “comparable” and insert “an applicable”. Page 4, line 24, strike “comparable” and insert “an applicable”. Page 5, line 4, strike “comparable” and insert “an applicable”. Page 8, strike lines 3 through 7 and insert the following: (ii) in the third sentence— (I) by striking “any water quality requirement in such State” and inserting “any water quality standard in effect for the State under section 303”; and (II)

by inserting before the period “at a time that is agreed to by such State and the applicant”; After section 13, insert the following: SEC. 119. DEADLINE FOR REQUEST FOR SUBMISSION OF ADDITIONAL INFORMATION FOR PERMIT PROGRAMS FOR DREDGED OR FILL MATERIAL. Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended— (1) in subsection (g)— (A) by redesignating paragraph (3) as paragraph (4); and (B) by inserting after paragraph (2) the following: “(3) If the Administrator determines that additional information is necessary for the description of a program submitted by a State to be full and complete under paragraph (1), the Administrator shall, not later than 45 days after the date of the receipt of the program and statement submitted by the State under such paragraph, submit to the State a written request for all such information.”; and (2) in subsection (h)(1), by striking “paragraph (1) of this subsection” and inserting “subsection (g)(1)”. Strike section 19 and insert the following: SEC. _____. COORDINATION WITH FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL. With respect to any covered project (as defined under section 41001 of the FAST Act (42 U.S.C. 4370m)) for which a certification or permit from a State under section 401, 402, or 404 of the Federal Water Pollution Control Act is required, the State is encouraged to choose to participate, to the maximum extent practicable, in the environmental review and authorization process under section 41003(c) of the FAST Act (42 U.S.C. 4370m–2(c)), pursuant to paragraph (3)(A) of such section.; was AGREED TO by voice vote.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Ranking Member Larsen of Washington (Larsen 01): Strike sections 2, 3, and 5.; was NOT AGREED TO by a recorded vote of 30 Yeas and 35 Nays (RC#45).

An Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Mr. Garamendi of California (Garamendi 036): Strike section 7 and insert the following: SEC. 7. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM TERMS. (a) IN GENERAL.—Section 402(b)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1342(b)(1)(B)) is amended to read as follows: “(B) are for fixed terms— (i) not exceeding 10 years, for a permit issued to a State or municipality; and (ii) not exceeding 5 years, for a permit issued to any person not described in clause (i); and”. (b) TECHNICAL CORRECTIONS.—Section 402(l)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1342(l)(3)) is amended— (1) in subparagraph (B)— (A) by striking “section 402” and inserting “this section”; and (B) by striking “federal” and inserting “Federal”; and (2) in subparagraph (C)— (A) by striking “Section” and inserting “section”; (B) by striking “402(p)(6)” and inserting “subsection (p)(6)”; (C) by striking “402(l)(3)(A),” and inserting “subparagraph (A),”; and (D) by striking “402(l)(3)(A).” and inserting “such subparagraph.”.; was WITHDRAWN.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Ms. Titus of Nevada (Titus 173): Page 34, line 2, strike “Section 502(7)” and insert “(a) IN GENERAL.—Section 502(7)”. Page 36, after line 12, insert the following: (b) SAVINGS CLAUSE.—This section, including the amendments made by this section,

shall not take effect until the date on which the Administrator of the Environmental Protection Agency issues a determination that the implementation of this section, including the amendments made by this section, will not result in 70 percent or more of the waters in any State losing any protection that such waters were provided under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) before May 25, 2023.; was NOT AGREED TO by a recorded vote of 30 Yeas and 35 Nays (RC#46).

An Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Ms. Wilson of Florida (Wilson 037): Add at the end the following: SEC. ____ . STUDY ON DISPARATE IMPACTS. Not later than 60 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency and the Secretary of the Army, acting through the Chief of Engineers, shall submit to Congress a report on any disparate impacts on minority, rural, disadvantaged, and Tribal communities, including impacts to human health, environmental quality, and local economies, that may result from the implementation of this Act, including the amendments made by this Act.; was NOT AGREED TO by voice vote.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Ms. Titus of Nevada on behalf of Mr. Stanton of Arizona (Stanton 031): Add at the end the following: SEC. ____ . DETERMINATION ON WATER SUPPLY SOURCES. This Act, including the amendments made by this Act, shall not take effect until the date on which the Administrator of the Environmental Protection Agency issues a determination that the implementation of this Act, including the amendments made by this Act, will not— (1) result in a surface water body failing to meet its State-designated uses under the Federal Water Pollution Control Act, including use as a source of public water supply; or (2) adversely affect the availability and quality of surface water for communities in arid regions or drought-prone areas.; was NOT AGREED TO by a recorded vote of 30 Yeas and 35 Nays (RC#47).

An Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Mr. Garamendi of California, on behalf of Ms. Hoyle of Oregon (Hoyle 013): Strike section 9 and insert the following: SEC. 9. SAFE HARBOR FOR CERTAIN DISCHARGES OF WILDLAND FIRE CHEMICALS. (a) IN GENERAL.—Subject to subsection (b), no court may enjoin under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) a covered entity from conducting an aerial application of a covered fire retardant and water enhancer for wildfire suppression, control, or prevention activities that results in a discharge, if such aerial application is conducted in accordance with the requirements of the Federal Facility Compliance Agreement between the Environmental Protection Agency and the U.S. Forest Service, as agreed to on February 16, 2023. (b) PERIOD OF APPLICATION.—Subsection (a) shall apply to any aerial application described in such subsection that is conducted before the effective date of a permit issued by the Administrator of the Environmental Protection Agency or a State, as applicable, under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) that authorizes the discharge, from such aerial application, of a covered fire retardant and water enhancer for wildfire suppression, control, or prevention activities. (c) EFFECT.—Nothing in this section affects the

authority of any court under the Federal Water Pollution Control Act with respect to any discharge resulting from an aerial application not conducted in accordance with the requirements described in subsection (a). (d) DEFINITIONS.—In this section: (1) COVERED ENTITY.—The term “covered entity” means— (A) any Federal agency, agency of a State or political subdivision thereof, or Tribal agency, authorized by law to conduct an aerial application of fire retardants and water enhancers for wildfire suppression, control, or prevention activities; and (B) any contractor, subcontractor, or other agent of an agency described in subparagraph (A). (2) COVERED FIRE RETARDANT AND WATER ENHANCER.—The term “covered fire retardant and water enhancer” means a fire retardant and water enhancer that— (A) has been evaluated, qualified, and approved by the Secretary of Agriculture; and (B) appears on the most current Forest Service Qualified Products List. (3) DISCHARGE; STATE.—The terms “discharge” and “State” have the meanings given those terms in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362). (e) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of enactment of this section.; was NOT AGREED TO by a recorded vote of 30 Yeas and 35 Nays (RC#48).

An Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Ms. Sykes of Ohio (Sykes 046): Strike section 17 and insert the following: SEC. 17. NO NET-LOSS OF WETLANDS. Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency and the Secretary of the Army shall reinstate the no-net loss of wetlands policy, as outlined in the Executive Order 11990, titled “Protection of Wetlands”, issued on May 24, 1977 (42 Fed. Reg. 26961), and reaffirmed by the Presidential administrations of President George Herbert Walker Bush, William J. Clinton, George W. Bush, and Barack H. Obama, through the implementation of the Federal Water Pollution Control Act and other Federal programs. The Administrator and the Secretary shall reinstate such policy through public notice and comment procedures that provide for a minimum of 30 days public comment and shall publish the final policy in the Federal Register. The Administrator and the Secretary shall consider all available measures to ensure that there is a no net loss of wetlands in the United States and shall jointly report annually to the Congress on the implementation of such policy.; was NOT AGREED TO by a recorded vote of 30 Yeas and 35 Nays (RC#49).

An Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Ms. Scholten of Michigan (Scholten 027): Page 22, line 11, strike the closed quotation mark and final period. Page 22, after line 11, add the following: “(D) Any discharge with respect to which there is evidence, based on peer-reviewed science, that the pesticide is known or suspected to— (i) cause adverse health effects on pregnant women; (ii) cause adverse effects to fetal growth or development; (iii) harm the neurological or physiological development of infants or children; or (iv) cause adverse effects on early childhood development. (E) Any discharge in a geographic area in which there is the occurrence of a greater than expected number of cancer cases among infants or children over a specific time period”.; was NOT AGREED TO by a recorded vote of 30 Yeas and 34 Nays (RC#50).

An Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Ms. McDonald Rivet of Michigan (McDonald Rivet 015): Add at the end the following: SEC. 20. DETERMINATION ON INCREASE IN DISCHARGES TO GREAT LAKES AND OTHER WATERBODIES. This Act, including the amendments made by this Act, shall not take effect until the date on which the Administrator of the Environmental Protection Agency issues a determination that the implementation of this Act, including the amendments made by this Act, will not result in an increase in the discharge of pollutants (within the meaning of the Federal Water Pollution Control Act), to the navigable waters contained within the geographic programs of the Federal Water Pollution Control Act, such as those within the Great Lakes System, as defined in section 118 of the Federal Water Pollution Control Act (33 U.S.C. 1268), including an increase in the discharge of— (1) any emerging contaminant, toxic pollutant, or forever chemical, as determined by the Administrator, such as a perfluoroalkyl substance or polyfluoroalkyl substance; or (2) any nutrient, including those associated with excessive algae growth and harmful algal blooms.; was NOT AGREED TO by a recorded vote of 30 Yeas and 33 Nays (RC#51).

An Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Ms. Friedman of California (Friedman 011): Add at the end the following: SEC. 20. DETERMINATION ON RISK OF POLLUTANT DISCHARGE. This Act, including the amendments made by this Act, shall not take effect until the date on which the Administrator of the Environmental Protection Agency issues a determination that the implementation of this Act, including the amendments made by this Act, will not result in an increase in the discharge of any pollutant into waters that are used (or are likely to be used) for water recapture, water recycling, or groundwater recharge.; was NOT AGREED TO by a recorded vote of 30 Yeas and 33 Nays (RC#52).

An Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Ms. Gillen of New York (Gillen 024): Add at the end the following: SEC. 20. DETERMINATION ON INCREASE IN RISK OF DISCHARGE OF POLLUTANTS ASSOCIATED WITH CANCER. This Act, including the amendments made by this Act, shall not take effect until the date on which the Administrator of the Environmental Protection Agency issues a determination that the implementation of this Act, including the amendments made by this Act, will not result in an increase in the discharge of any pollutant (as such term is defined in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362)) that is associated with cancer risk in humans, including (1) perfluoroalkyl and polyfluoroalkyl substances; (2) arsenic; (3) nitrates, nitrites, and any other byproduct associated with pesticides; (4) chromium; (5) radium; and (6) uranium.; was NOT AGREED TO by voice vote.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Mr. Perry of Pennsylvania (Perry 040): Add at the end the following: SEC. _____. SENSE OF CONGRESS ON CHESAPEAKE BAY WATERSHED AGREEMENT. It is the sense of Congress that the Chesapeake Bay Watershed Agreement is a voluntary, cooperative agreement between the Federal Government, the State of Delaware, the

District of Columbia, the State of Maryland, the Commonwealth of Pennsylvania, the State of New York, the Commonwealth of Virginia, and the State of West Virginia. As such, the Federal Government should take a collaborative and cooperative approach to the parties with regard to their compliance with the Chesapeake Bay Total Maximum Daily Load outlined in such agreement.; was AGREED TO by voice vote.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Mr. DeSaulnier of California (DeSaulnier 010): Add at the end the following: SEC. ____ . REPORT AND CERTIFICATION ON HARMFUL ALGAL BLOOMS. This Act, including the amendments made by this Act, shall not take effect until the date on which the Administrator of the Environmental Protection Agency publishes (1) a report on the estimated effects of the implementation of this Act, including the amendments made by this Act, on harmful algal blooms; and (2) a certification that the implementation of this Act, including the amendments made by this Act, will not cause an increase in harmful algal blooms.; was NOT AGREED TO by a recorded vote of 30 Yeas and 33 Nays (RC#53).

An Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Ms. Sykes of Ohio (Sykes 047): Add at the end the following: SEC. 20. DETERMINATION ON POTENTIAL INCREASED POLLUTANT LOADINGS AND COSTS TO RATEPAYERS. This Act, and the amendments made by this Act, shall not take effect until the date on which the Administrator of the Environmental Protection Agency issues a determination that the implementation of this Act, including the amendments made by this Act, will not result in an (1) increase in the volume, toxicity, or concentration of pollutants in a waterbody that has been designated by a State or an Indian Tribe for use supplying, or supporting the supply of, public water; or (2) increase in rates charged for wastewater treatment services (including in rural, tribal, or economically disadvantaged communities) as a result of removing any pollutants, or treating such waterbody, to protect the public health or welfare.; was NOT AGREED TO by a recorded vote of 30 Yeas and 33 Nays (RC#54).

An Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Mr. Figures of Alabama (Figures 028): Add at the end the following: SEC. ____ . DETERMINATION ON RISKS OF FLOODING AND POLLUTION. This Act, including the amendments made by this Act, shall not take effect until the date on which the Administrator of the Environmental Protection Agency issues a determination that the implementation of this Act, including the amendments made by this Act, will not worsen the risks of flooding or pollution in low-income or rural communities.; was NOT AGREED TO by voice vote.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Mr. Huffman of California (Huffman 024): Add at the end the following: SEC. ____ . NO EFFECT ON TRIBAL RIGHTS. Nothing in this Act, or the amendments made by this Act, shall be construed to affect any Tribal rights or authorities under the Federal Water Pollution Control Act, including any review by a Tribal Government of a discharge or activity under a Federal permit in order to protect treaty rights, including water rights,

fishing rights, and cultural resources.; was NOT AGREED TO by a recorded vote of 30 Yeas and 33 Nays (RC#55).

An Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Mr. Huffman of California (Huffman 01): Page 22, line 22, insert ", if applicable," after "(2)". Page 23, line 1, strike "The period" and insert "Except as provided in paragraph (3), the period". Page 23, line 13, strike the closed quotation mark and final period and insert the following: Page 23, after line 13, insert the following: "(3) EXCEPTION.— Paragraph (2) shall not apply with respect to any application for a permit under this section for the discharge of dredged or fill material at a disposal site in a defined area the specification of which has been prohibited (including the withdrawal of specification) by the Administrator before the date of enactment of this paragraph”.; was NOT AGREED TO by a recorded vote of 30 Yeas and 33 Nays (RC#56).

An Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Mr. Johnson of Georgia (Johnson 027): Add at the end the following: SEC. ____ SENSE OF CONGRESS RELATING TO INFRASTRUCTURE FUNDING. It is the sense of Congress that (1) clean water infrastructure supports the health of our ecosystems and keeps our water resources available for swimming, fishing, and drinking; (2) Federal funding for clean water infrastructure is critical to municipalities to update and modernize this infrastructure, keeping it fully operational and effective; (3) the Administration’s fiscal year 2026 Presidential Budget Request significantly underfunds programs that support clean water infrastructure, and if enacted, would substantially impede, or stop altogether, clean water infrastructure projects nationwide; (4) rural, small, and economically disadvantaged communities would be disproportionately impacted by funding cuts, and those with affordability concerns would be unable to address their aging water infrastructure or forced to significantly raise rates on communities already struggling financially; and (5) funds for clean water infrastructure programs should be appropriated in the full Congressionally authorized amounts.; was NOT AGREED TO by a recorded vote of 30 Yeas and 33 Nays (RC#57).

An Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Ms. Pou of New Jersey (Pou 005): Add at the end the following: SEC. ____ DETERMINATION ON INCREASE IN RISK OF SEWER OVERFLOWS, STORMWATER, AND FLOODING. This Act, including the amendments made by this Act, shall not take effect until the date on which the Administrator of the Environmental Protection Agency issues a determination that the implementation of this Act, including the amendments made by this Act, will not (1) result in an increase in the discharge of pollutants (within the meaning of the Federal Water Pollution Control Act), including an increase in the discharge of raw or partially treated sewage associated with combined sewer overflows or sanitary sewer overflows; (2) result in an increase in the discharge of municipal or industrial stormwater; or (3) exacerbate the risk or consequence of flooding, including flooding associated with precipitation events, to (A) public or private property; (B) private businesses (including small businesses); (C) local, regional, or national economies; (D) critical public infrastructure

or essential public services; or (E) human life or safety.; was NOT AGREED TO by a recorded vote of 30 Yeas and 33 Nays (RC#58).

An Amendment to the Amendment in the Nature of a Substitute to H.R. 3898, offered by Mr. Ryan of New York (Ryan 042): Add at the end the following: SEC. ____ DETERMINATION ON INCREASE IN DISCHARGES. This Act, including the amendments made by this Act, shall not take effect until the date on which the Administrator of the Environmental Protection Agency issues a determination that the implementation of this Act, including the amendments made by this Act, will not result in an increase in the discharge of pollutants (within the meaning of the Federal Water Pollution Control Act), including an increase in the discharge of (1) any emerging contaminant or forever chemical, as determined by the Administrator, such as a perfluoroalkyl substance or polyfluoroalkyl substance; or (2) any nutrient, including those associated with excessive algae growth and harmful algal blooms.; was NOT AGREED TO by a recorded vote of 30 Yeas and 33 Nays (RC#59).

COMMITTEE VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

Full Committee

Vote: 60

Measure: H.R. 3898

**On: final passage: H.R.
3898, as amended**

Yea 34 Nay 30

Present 0 Not Voting 3

Member	Vote	Member	Vote
Mr. Graves of MO	Y	Mr. Larsen of WA	N
Mr. Crawford	Y	Ms. Norton	N
Mr. Webster of FL	Y	Mr. Nadler	N
Mr. Massie		Mr. Cohen	N
Mr. Perry	Y	Mr. Garamendi	N
Mr. Babin	Y	Mr. Johnson of GA	N
Mr. Rouzer	Y	Mr. Carson	N
Mr. Bost	Y	Ms. Titus	N
Mr. LaMalfa	Y	Mr. Huffman	N

Mr. Westerman	Y	Ms. Brownley	N
Mr. Mast	Y	Ms. Wilson of FL	N
Mr. Stauber	Y	Mr. DeSaulnier	N
Mr. Burchett	Y	Mr. Carbajal	N
Mr. Johnson of SD	Y	Mr. Stanton	N
Mr. Van Drew	Y	Ms. Davids of KS	N
Mr. Nehls	Y	Mr. García of IL	N
Mr. Mann	Y	Mr. Pappas	N
Mr. Owens	Y	Mr. Moulton	N
Mr. Burlison	Y	Ms. Strickland	N
Mr. Collins	Y	Mr. Ryan	N
Mr. Ezell	Y	Ms. Hoyle of OR	N
Mr. Kiley	Y	Mrs. Sykes	N
Mr. Fong	Y	Ms. Scholten	N
Mr. Wied	Y	Mrs. Foushee	N
Mr. Barrett	Y	Mr. Deluzio	N
Mr. Begich	Y	Mr. Garcia of CA	
Mr. Bresnahan	Y	Ms. Pou	N
Mr. Hurd	Y	Ms. McDonald Rivet	N
Mr. Shreve		Ms. Friedman	N
Mr. McDowell	Y	Ms. Gillen	N
Mr. Taylor	Y	Mr. Figures	N
Mr. Knott	Y		
<i>Ms. King-Hinds</i>	Y		
Mr. Kennedy	Y		
Mr. Onder	Y		
Mr. Patronis	Y		

Full Committee

Vote: 45

Measure: H.R. 3898

On: Amdt. 01, offered
by Mr. Larsen

Yea **30** Nay **35**
Present **0** Not Voting **2**

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	Y
Mr. Crawford	N	<i>Ms. Norton</i>	Y
Mr. Webster of FL	N	Mr. Nadler	Y

Mr. Massie		Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	Y
Mr. Babin	N	Mr. Johnson of GA	Y
Mr. Rouzer	N	Mr. Carson	Y
Mr. Bost	N	Ms. Titus	Y
Mr. LaMalfa	N	Mr. Huffman	Y
Mr. Westerman	N	Ms. Brownley	Y
Mr. Mast	N	Ms. Wilson of FL	Y
Mr. Stauber	N	Mr. DeSaulnier	Y
Mr. Burchett	N	Mr. Carbajal	Y
Mr. Johnson of SD	N	Mr. Stanton	Y
Mr. Van Drew	N	Ms. Davids of KS	Y
Mr. Nehls	N	Mr. Garcia of IL	Y
Mr. Mann	N	Mr. Pappas	Y
Mr. Owens	N	Mr. Moulton	Y
Mr. Burlison	N	Ms. Strickland	Y
Mr. Collins	N	Mr. Ryan	Y
Mr. Ezell	N	Ms. Hoyle of OR	Y
Mr. Kiley	N	Mrs. Sykes	Y
Mr. Fong	N	Ms. Scholten	Y
Mr. Wied	N	Mrs. Foushee	Y
Mr. Barrett	N	Mr. Deluzio	Y
Mr. Begich	N	Mr. Garcia of CA	
Mr. Bresnahan	N	Ms. Pou	Y
Mr. Hurd	N	Ms. McDonald Rivet	Y
Mr. Shreve	N	Ms. Friedman	Y
Mr. McDowell	N	Ms. Gillen	Y
Mr. Taylor	N	Mr. Figures	Y
Mr. Knott	N		
<i>Ms. King-Hinds</i>	N		
Mr. Kennedy	N		
Mr. Onder	N		
Mr. Patronis	N		

Full Committee

Vote: 46

Measure: H.R. 3898

On: Amdt. 173, offered
by Ms. Titus

Yea

30 Nay

35

Present

0 Not Voting

2

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	Y
Mr. Crawford	N	Ms. Norton	Y
Mr. Webster of FL	N	Mr. Nadler	Y
Mr. Massie		Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	Y
Mr. Babin	N	Mr. Johnson of GA	Y
Mr. Rouzer	N	Mr. Carson	Y
Mr. Bost	N	Ms. Titus	Y
Mr. LaMalfa	N	Mr. Huffman	Y
Mr. Westerman	N	Ms. Brownley	Y
Mr. Mast	N	Ms. Wilson of FL	Y
Mr. Stauber	N	Mr. DeSaulnier	Y
Mr. Burchett	N	Mr. Carbajal	Y
Mr. Johnson of SD	N	Mr. Stanton	Y
Mr. Van Drew	N	Ms. Davids of KS	Y
Mr. Nehls	N	Mr. Garcia of IL	Y
Mr. Mann	N	Mr. Pappas	Y
Mr. Owens	N	Mr. Moulton	Y
Mr. Burlison	N	Ms. Strickland	Y
Mr. Collins	N	Mr. Ryan	Y
Mr. Ezell	N	Ms. Hoyle of OR	Y
Mr. Kiley	N	Mrs. Sykes	Y
Mr. Fong	N	Ms. Scholten	Y
Mr. Wied	N	Mrs. Foushee	Y
Mr. Barrett	N	Mr. Deluzio	Y
Mr. Begich	N	Mr. Garcia of CA	
Mr. Bresnahan	N	Ms. Pou	Y
Mr. Hurd	N	Ms. McDonald Rivet	Y
Mr. Shreve	N	Ms. Friedman	Y
Mr. McDowell	N	Ms. Gillen	Y
Mr. Taylor	N	Mr. Figures	Y
Mr. Knott	N		
Ms. King-Hinds	N		
Mr. Kennedy	N		
Mr. Onder	N		
Mr. Patronis	N		

Full Committee

Vote: 47

Measure: H.R. 3898

**On: Amdt. 031, offered
by Ms. Titus**

Yea	30	Nay	35
Present	0	Not Voting	2

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	Y
Mr. Crawford	N	Ms. Norton	Y
Mr. Webster of FL	N	Mr. Nadler	Y
Mr. Massie		Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	Y
Mr. Babin	N	Mr. Johnson of GA	Y
Mr. Rouzer	N	Mr. Carson	Y
Mr. Bost	N	Ms. Titus	Y
Mr. LaMalfa	N	Mr. Huffman	Y
Mr. Westerman	N	Ms. Brownley	Y
Mr. Mast	N	Ms. Wilson of FL	Y
Mr. Stauber	N	Mr. DeSaulnier	Y
Mr. Burchett	N	Mr. Carbajal	Y
Mr. Johnson of SD	N	Mr. Stanton	Y
Mr. Van Drew	N	Ms. Davids of KS	Y
Mr. Nehls	N	Mr. García of IL	Y
Mr. Mann	N	Mr. Pappas	Y
Mr. Owens	N	Mr. Moulton	Y
Mr. Burlison	N	Ms. Strickland	Y
Mr. Collins	N	Mr. Ryan	Y
Mr. Ezell	N	Ms. Hoyle of OR	Y
Mr. Kiley	N	Mrs. Sykes	Y
Mr. Fong	N	Ms. Scholten	Y
Mr. Wied	N	Mrs. Foushee	Y
Mr. Barrett	N	Mr. Deluzio	Y
Mr. Begich	N	Mr. Garcia of CA	
Mr. Bresnahan	N	Ms. Pou	Y
Mr. Hurd	N	Ms. McDonald Rivet	Y
Mr. Shreve	N	Ms. Friedman	Y
Mr. McDowell	N	Ms. Gillen	Y

Mr. Taylor	N	Mr. Figures	Y
Mr. Knott	N		
<i>Ms. King-Hinds</i>	N		
Mr. Kennedy	N		
Mr. Onder	N		
Mr. Patronis	N		

Full Committee

Vote: 48	Measure: H.R. 3898
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**On: Amdt. 013, offered
by Mr. Garamendi**

Yea	30	Nay	35
Present	0	Not Voting	2

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	Y
Mr. Crawford	N	<i>Ms. Norton</i>	Y
Mr. Webster of FL	N	Mr. Nadler	Y
Mr. Massie		Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	Y
Mr. Babin	N	Mr. Johnson of GA	Y
Mr. Rouzer	N	Mr. Carson	Y
Mr. Bost	N	Ms. Titus	Y
Mr. LaMalfa	N	Mr. Huffman	Y
Mr. Westerman	N	Ms. Brownley	Y
Mr. Mast	N	Ms. Wilson of FL	Y
Mr. Stauber	N	Mr. DeSaulnier	Y
Mr. Burchett	N	Mr. Carbajal	Y
Mr. Johnson of SD	N	Mr. Stanton	Y
Mr. Van Drew	N	Ms. Davids of KS	Y
Mr. Nehls	N	Mr. García of IL	Y
Mr. Mann	N	Mr. Pappas	Y
Mr. Owens	N	Mr. Moulton	Y
Mr. Burlison	N	Ms. Strickland	Y
Mr. Collins	N	Mr. Ryan	Y
Mr. Ezell	N	Ms. Hoyle of OR	Y
Mr. Kiley	N	Mrs. Sykes	Y
Mr. Fong	N	Ms. Scholten	Y

Mr. Wied	N	Mrs. Foushee	Y
Mr. Barrett	N	Mr. Deluzio	Y
Mr. Begich	N	Mr. Garcia of CA	
Mr. Bresnahan	N	Ms. Pou	Y
Mr. Hurd	N	Ms. McDonald Rivet	Y
Mr. Shreve	N	Ms. Friedman	Y
Mr. McDowell	N	Ms. Gillen	Y
Mr. Taylor	N	Mr. Figures	Y
Mr. Knott	N		
<i>Ms. King-Hinds</i>	N		
Mr. Kennedy	N		
Mr. Onder	N		
Mr. Patronis	N		

Full Committee

Vote: 49

Measure: H.R. 3898

On: Amdt. 046, offered
by Ms. Sykes

Yea **30** Nay **35**
Present **0** Not Voting **2**

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	Y
Mr. Crawford	N	<i>Ms. Norton</i>	Y
Mr. Webster of FL	N	Mr. Nadler	Y
Mr. Massie		Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	Y
Mr. Babin	N	Mr. Johnson of GA	Y
Mr. Rouzer	N	Mr. Carson	Y
Mr. Bost	N	Ms. Titus	Y
Mr. LaMalfa	N	Mr. Huffman	Y
Mr. Westerman	N	Ms. Brownley	Y
Mr. Mast	N	Ms. Wilson of FL	Y
Mr. Stauber	N	Mr. DeSaulnier	Y
Mr. Burchett	N	Mr. Carbajal	Y
Mr. Johnson of SD	N	Mr. Stanton	Y
Mr. Van Drew	N	Ms. Davids of KS	Y
Mr. Nehls	N	Mr. Garcia of IL	Y
Mr. Mann	N	Mr. Pappas	Y

Mr. Owens	N	Mr. Moulton	Y
Mr. Burlison	N	Ms. Strickland	Y
Mr. Collins	N	Mr. Ryan	Y
Mr. Ezell	N	Ms. Hoyle of OR	Y
Mr. Kiley	N	Mrs. Sykes	Y
Mr. Fong	N	Ms. Scholten	Y
Mr. Wied	N	Mrs. Foushee	Y
Mr. Barrett	N	Mr. Deluzio	Y
Mr. Begich	N	Mr. Garcia of CA	
Mr. Bresnahan	N	Ms. Pou	Y
Mr. Hurd	N	Ms. McDonald Rivet	Y
Mr. Shreve	N	Ms. Friedman	Y
Mr. McDowell	N	Ms. Gillen	Y
Mr. Taylor	N	Mr. Figures	Y
Mr. Knott	N		
<i>Ms. King-Hinds</i>	N		
Mr. Kennedy	N		
Mr. Onder	N		
Mr. Patronis	N		

Full Committee

Vote: 50

Measure: H.R. 3898

On: Amdt. 027, offered
by Ms. Scholten

Yea	30	Nay	34
Present	0	Not Voting	3

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	Y
Mr. Crawford	N	<i>Ms. Norton</i>	Y
Mr. Webster of FL	N	Mr. Nadler	Y
Mr. Massie		Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	Y
Mr. Babin	N	Mr. Johnson of GA	Y
Mr. Rouzer	N	Mr. Carson	Y
Mr. Bost	N	Ms. Titus	Y
Mr. LaMalfa	N	Mr. Huffman	Y
Mr. Westerman	N	Ms. Brownley	Y

Mr. Mast	N	Ms. Wilson of FL	Y
Mr. Stauber	N	Mr. DeSaulnier	Y
Mr. Burchett	N	Mr. Carbajal	Y
Mr. Johnson of SD	N	Mr. Stanton	Y
Mr. Van Drew	N	Ms. Davids of KS	Y
Mr. Nehls	N	Mr. Garcia of IL	Y
Mr. Mann	N	Mr. Pappas	Y
Mr. Owens	N	Mr. Moulton	Y
Mr. Burlison	N	Ms. Strickland	Y
Mr. Collins	N	Mr. Ryan	Y
Mr. Ezell	N	Ms. Hoyle of OR	Y
Mr. Kiley	N	Mrs. Sykes	Y
Mr. Fong	N	Ms. Scholten	Y
Mr. Wied	N	Mrs. Foushee	Y
Mr. Barrett	N	Mr. Deluzio	Y
Mr. Begich	N	Mr. Garcia of CA	
Mr. Bresnahan	N	Ms. Pou	Y
Mr. Hurd	N	Ms. McDonald Rivet	Y
Mr. Shreve		Ms. Friedman	Y
Mr. McDowell	N	Ms. Gillen	Y
Mr. Taylor	N	Mr. Figures	Y
Mr. Knott	N		
Ms. King-Hinds	N		
Mr. Kennedy	N		
Mr. Onder	N		
Mr. Patronis	N		

Full Committee

Vote: 51

Measure: H.R. 3898

**On: Amdt. 015, offered
by Ms. McDonald Rivet**

Yea 30 Nay 33

Present 0 Not Voting 4

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	Y
Mr. Crawford	N	Ms. Norton	Y
Mr. Webster of FL	N	Mr. Nadler	Y

Mr. Massie		Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	Y
Mr. Babin	N	Mr. Johnson of GA	Y
Mr. Rouzer	N	Mr. Carson	Y
Mr. Bost	N	Ms. Titus	Y
Mr. LaMalfa	N	Mr. Huffman	Y
Mr. Westerman	N	Ms. Brownley	Y
Mr. Mast		Ms. Wilson of FL	Y
Mr. Stauber	N	Mr. DeSaulnier	Y
Mr. Burchett	N	Mr. Carbajal	Y
Mr. Johnson of SD	N	Mr. Stanton	Y
Mr. Van Drew	N	Ms. Davids of KS	Y
Mr. Nehls	N	Mr. Garcia of IL	Y
Mr. Mann	N	Mr. Pappas	Y
Mr. Owens	N	Mr. Moulton	Y
Mr. Burlison	N	Ms. Strickland	Y
Mr. Collins	N	Mr. Ryan	Y
Mr. Ezell	N	Ms. Hoyle of OR	Y
Mr. Kiley	N	Mrs. Sykes	Y
Mr. Fong	N	Ms. Scholten	Y
Mr. Wied	N	Mrs. Foushee	Y
Mr. Barrett	N	Mr. Deluzio	Y
Mr. Begich	N	Mr. Garcia of CA	
Mr. Bresnahan	N	Ms. Pou	Y
Mr. Hurd	N	Ms. McDonald Rivet	Y
Mr. Shreve		Ms. Friedman	Y
Mr. McDowell	N	Ms. Gillen	Y
Mr. Taylor	N	Mr. Figures	Y
Mr. Knott	N		
<i>Ms. King-Hinds</i>	N		
Mr. Kennedy	N		
Mr. Onder	N		
Mr. Patronis	N		

Full Committee

Vote: 52

Measure: H.R. 3898

On: Amdt. 011, offered
by Ms. Friedman

Yea

30 Nay

33

Present

0 Not Voting

4

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	Y
Mr. Crawford	N	Ms. Norton	Y
Mr. Webster of FL	N	Mr. Nadler	Y
Mr. Massie		Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	Y
Mr. Babin	N	Mr. Johnson of GA	Y
Mr. Rouzer	N	Mr. Carson	Y
Mr. Bost	N	Ms. Titus	Y
Mr. LaMalfa	N	Mr. Huffman	Y
Mr. Westerman	N	Ms. Brownley	Y
Mr. Mast		Ms. Wilson of FL	Y
Mr. Stauber	N	Mr. DeSaulnier	Y
Mr. Burchett	N	Mr. Carbajal	Y
Mr. Johnson of SD	N	Mr. Stanton	Y
Mr. Van Drew	N	Ms. Davids of KS	Y
Mr. Nehls	N	Mr. García of IL	Y
Mr. Mann	N	Mr. Pappas	Y
Mr. Owens	N	Mr. Moulton	Y
Mr. Burlison	N	Ms. Strickland	Y
Mr. Collins	N	Mr. Ryan	Y
Mr. Ezell	N	Ms. Hoyle of OR	Y
Mr. Kiley	N	Mrs. Sykes	Y
Mr. Fong	N	Ms. Scholten	Y
Mr. Wied	N	Mrs. Foushee	Y
Mr. Barrett	N	Mr. Deluzio	Y
Mr. Begich	N	Mr. Garcia of CA	
Mr. Bresnahan	N	Ms. Pou	Y
Mr. Hurd	N	Ms. McDonald Rivet	Y
Mr. Shreve		Ms. Friedman	Y
Mr. McDowell	N	Ms. Gillen	Y
Mr. Taylor	N	Mr. Figures	Y
Mr. Knott	N		
Ms. King-Hinds	N		
Mr. Kennedy	N		
Mr. Onder	N		

Mr. Patronis	N	
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Full Committee

Vote: 53

Measure: H.R. 3898

**On: Amdt. 010, offered
by Mr. DeSaulnier**

Yea	30	Nay	33
Present	0	Not Voting	4

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	Y
Mr. Crawford	N	<i>Ms. Norton</i>	Y
Mr. Webster of FL	N	Mr. Nadler	Y
Mr. Massie		Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	Y
Mr. Babin	N	Mr. Johnson of GA	Y
Mr. Rouzer	N	Mr. Carson	Y
Mr. Bost	N	Ms. Titus	Y
Mr. LaMalfa	N	Mr. Huffman	Y
Mr. Westerman	N	Ms. Brownley	Y
Mr. Mast		Ms. Wilson of FL	Y
Mr. Stauber	N	Mr. DeSaulnier	Y
Mr. Burchett	N	Mr. Carbajal	Y
Mr. Johnson of SD	N	Mr. Stanton	Y
Mr. Van Drew	N	Ms. Davids of KS	Y
Mr. Nehls	N	Mr. García of IL	Y
Mr. Mann	N	Mr. Pappas	Y
Mr. Owens	N	Mr. Moulton	Y
Mr. Burlison	N	Ms. Strickland	Y
Mr. Collins	N	Mr. Ryan	Y
Mr. Ezell	N	Ms. Hoyle of OR	Y
Mr. Kiley	N	Mrs. Sykes	Y
Mr. Fong	N	Ms. Scholten	Y
Mr. Wied	N	Mrs. Foushee	Y
Mr. Barrett	N	Mr. Deluzio	Y
Mr. Begich	N	Mr. Garcia of CA	
Mr. Bresnahan	N	Ms. Pou	Y
Mr. Hurd	N	Ms. McDonald Rivet	Y

Mr. Shreve		Ms. Friedman	Y
Mr. McDowell	N	Ms. Gillen	Y
Mr. Taylor	N	Mr. Figures	Y
Mr. Knott	N		
Ms. King-Hinds	N		
Mr. Kennedy	N		
Mr. Onder	N		
Mr. Patronis	N		

Full Committee

Vote: 54

Measure: H.R. 3898

On: Amdt. 047, offered
by Ms. Sykes

Yea **30** Nay **33**
Present **0** Not Voting **4**

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	Y
Mr. Crawford	N	Ms. Norton	Y
Mr. Webster of FL	N	Mr. Nadler	Y
Mr. Massie		Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	Y
Mr. Babin	N	Mr. Johnson of GA	Y
Mr. Rouzer	N	Mr. Carson	Y
Mr. Bost	N	Ms. Titus	Y
Mr. LaMalfa	N	Mr. Huffman	Y
Mr. Westerman	N	Ms. Brownley	Y
Mr. Mast		Ms. Wilson of FL	Y
Mr. Stauber	N	Mr. DeSaulnier	Y
Mr. Burchett	N	Mr. Carbajal	Y
Mr. Johnson of SD	N	Mr. Stanton	Y
Mr. Van Drew	N	Ms. Davids of KS	Y
Mr. Nehls	N	Mr. Garcia of IL	Y
Mr. Mann	N	Mr. Pappas	Y
Mr. Owens	N	Mr. Moulton	Y
Mr. Burlison	N	Ms. Strickland	Y
Mr. Collins	N	Mr. Ryan	Y
Mr. Ezell	N	Ms. Hoyle of OR	Y

Mr. Kiley	N	Mrs. Sykes	Y
Mr. Fong	N	Ms. Scholten	Y
Mr. Wied	N	Mrs. Foushee	Y
Mr. Barrett	N	Mr. Deluzio	Y
Mr. Begich	N	Mr. Garcia of CA	
Mr. Bresnahan	N	Ms. Pou	Y
Mr. Hurd	N	Ms. McDonald Rivet	Y
Mr. Shreve		Ms. Friedman	Y
Mr. McDowell	N	Ms. Gillen	Y
Mr. Taylor	N	Mr. Figures	Y
Mr. Knott	N		
<i>Ms. King-Hinds</i>	N		
Mr. Kennedy	N		
Mr. Onder	N		
Mr. Patronis	N		

Full Committee

Vote: 55

Measure: H.R. 3898

On: Amdt. 024, offered
by Mr. Huffman

Yea **30** Nay **33**
Present **0** Not Voting **4**

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	Y
Mr. Crawford	N	<i>Ms. Norton</i>	Y
Mr. Webster of FL	N	Mr. Nadler	Y
Mr. Massie		Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	Y
Mr. Babin	N	Mr. Johnson of GA	Y
Mr. Rouzer	N	Mr. Carson	Y
Mr. Bost	N	Ms. Titus	Y
Mr. LaMalfa	N	Mr. Huffman	Y
Mr. Westerman	N	Ms. Brownley	Y
Mr. Mast		Ms. Wilson of FL	Y
Mr. Stauber	N	Mr. DeSaulnier	Y
Mr. Burchett	N	Mr. Carbajal	Y
Mr. Johnson of SD	N	Mr. Stanton	Y

Mr. Van Drew	N	Ms. Davids of KS	Y
Mr. Nehls	N	Mr. Garcia of IL	Y
Mr. Mann	N	Mr. Pappas	Y
Mr. Owens	N	Mr. Moulton	Y
Mr. Burlison	N	Ms. Strickland	Y
Mr. Collins	N	Mr. Ryan	Y
Mr. Ezell	N	Ms. Hoyle of OR	Y
Mr. Kiley	N	Mrs. Sykes	Y
Mr. Fong	N	Ms. Scholten	Y
Mr. Wied	N	Mrs. Foushee	Y
Mr. Barrett	N	Mr. Deluzio	Y
Mr. Begich	N	Mr. Garcia of CA	
Mr. Bresnahan	N	Ms. Pou	Y
Mr. Hurd	N	Ms. McDonald Rivet	Y
Mr. Shreve		Ms. Friedman	Y
Mr. McDowell	N	Ms. Gillen	Y
Mr. Taylor	N	Mr. Figures	Y
Mr. Knott	N		
Ms. King-Hinds	N		
Mr. Kennedy	N		
Mr. Onder	N		
Mr. Patronis	N		

Full Committee

Vote: 56

Measure: H.R. 3898

**On: Amdt. 01, offered
by Mr. Huffman**

Yea 30 Nay 33

Present 0 Not Voting 4

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	Y
Mr. Crawford	N	Ms. Norton	Y
Mr. Webster of FL	N	Mr. Nadler	Y
Mr. Massie		Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	Y
Mr. Babin	N	Mr. Johnson of GA	Y
Mr. Rouzer	N	Mr. Carson	Y
Mr. Bost	N	Ms. Titus	Y

Mr. LaMalfa	N	Mr. Huffman	Y
Mr. Westerman	N	Ms. Brownley	Y
Mr. Mast		Ms. Wilson of FL	Y
Mr. Stauber	N	Mr. DeSaulnier	Y
Mr. Burchett	N	Mr. Carbajal	Y
Mr. Johnson of SD	N	Mr. Stanton	Y
Mr. Van Drew	N	Ms. Davids of KS	Y
Mr. Nehls	N	Mr. García of IL	Y
Mr. Mann	N	Mr. Pappas	Y
Mr. Owens	N	Mr. Moulton	Y
Mr. Burlison	N	Ms. Strickland	Y
Mr. Collins	N	Mr. Ryan	Y
Mr. Ezell	N	Ms. Hoyle of OR	Y
Mr. Kiley	N	Mrs. Sykes	Y
Mr. Fong	N	Ms. Scholten	Y
Mr. Wied	N	Mrs. Foushee	Y
Mr. Barrett	N	Mr. Deluzio	Y
Mr. Begich	N	Mr. Garcia of CA	
Mr. Bresnahan	N	Ms. Pou	Y
Mr. Hurd	N	Ms. McDonald Rivet	Y
Mr. Shreve		Ms. Friedman	Y
Mr. McDowell	N	Ms. Gillen	Y
Mr. Taylor	N	Mr. Figures	Y
Mr. Knott	N		
<i>Ms. King-Hinds</i>	N		
Mr. Kennedy	N		
Mr. Onder	N		
Mr. Patronis	N		

Full Committee

Vote: 57

Measure: H.R. 3898

On: Amdt. 027, offered
by Mr. Johnson of GA

Yea	30	Nay	33
Present	0	Not Voting	4

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	Y

Mr. Crawford	N	Ms. Norton	Y
Mr. Webster of FL	N	Mr. Nadler	Y
Mr. Massie		Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	Y
Mr. Babin	N	Mr. Johnson of GA	Y
Mr. Rouzer	N	Mr. Carson	Y
Mr. Bost	N	Ms. Titus	Y
Mr. LaMalfa	N	Mr. Huffman	Y
Mr. Westerman	N	Ms. Brownley	Y
Mr. Mast		Ms. Wilson of FL	Y
Mr. Stauber	N	Mr. DeSaulnier	Y
Mr. Burchett	N	Mr. Carbajal	Y
Mr. Johnson of SD	N	Mr. Stanton	Y
Mr. Van Drew	N	Ms. Davids of KS	Y
Mr. Nehls	N	Mr. García of IL	Y
Mr. Mann	N	Mr. Pappas	Y
Mr. Owens	N	Mr. Moulton	Y
Mr. Burlison	N	Ms. Strickland	Y
Mr. Collins	N	Mr. Ryan	Y
Mr. Ezell	N	Ms. Hoyle of OR	Y
Mr. Kiley	N	Mrs. Sykes	Y
Mr. Fong	N	Ms. Scholten	Y
Mr. Wied	N	Mrs. Foushee	Y
Mr. Barrett	N	Mr. Deluzio	Y
Mr. Begich	N	Mr. Garcia of CA	
Mr. Bresnahan	N	Ms. Pou	Y
Mr. Hurd	N	Ms. McDonald Rivet	Y
Mr. Shreve		Ms. Friedman	Y
Mr. McDowell	N	Ms. Gillen	Y
Mr. Taylor	N	Mr. Figures	Y
Mr. Knott	N		
Ms. King-Hinds	N		
Mr. Kennedy	N		
Mr. Onder	N		
Mr. Patronis	N		

Full Committee

Vote: 58

Measure: H.R. 3898

On: Amdt. 005, offered
by Mr. Pou

Yea

30 Nay

33

Present

0 Not Voting

4

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	Y
Mr. Crawford	N	Ms. Norton	Y
Mr. Webster of FL	N	Mr. Nadler	Y
Mr. Massie		Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	Y
Mr. Babin	N	Mr. Johnson of GA	Y
Mr. Rouzer	N	Mr. Carson	Y
Mr. Bost	N	Ms. Titus	Y
Mr. LaMalfa	N	Mr. Huffman	Y
Mr. Westerman	N	Ms. Brownley	Y
Mr. Mast		Ms. Wilson of FL	Y
Mr. Stauber	N	Mr. DeSaulnier	Y
Mr. Burchett	N	Mr. Carbajal	Y
Mr. Johnson of SD	N	Mr. Stanton	Y
Mr. Van Drew	N	Ms. Davids of KS	Y
Mr. Nehls	N	Mr. García of IL	Y
Mr. Mann	N	Mr. Pappas	Y
Mr. Owens	N	Mr. Moulton	Y
Mr. Burlison	N	Ms. Strickland	Y
Mr. Collins	N	Mr. Ryan	Y
Mr. Ezell	N	Ms. Hoyle of OR	Y
Mr. Kiley	N	Mrs. Sykes	Y
Mr. Fong	N	Ms. Scholten	Y
Mr. Wied	N	Mrs. Foushee	Y
Mr. Barrett	N	Mr. Deluzio	Y
Mr. Begich	N	Mr. Garcia of CA	
Mr. Bresnahan	N	Ms. Pou	Y
Mr. Hurd	N	Ms. McDonald Rivet	Y
Mr. Shreve		Ms. Friedman	Y
Mr. McDowell	N	Ms. Gillen	Y
Mr. Taylor	N	Mr. Figures	Y
Mr. Knott	N		
Ms. King-Hinds	N		
Mr. Kennedy	N		
Mr. Onder	N		

Mr. Patronis	N	
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Full Committee

Vote: 59

Measure: H.R. 3898

**On: Amdt. 042, offered
by Mr. Ryan**

Yea	30	Nay	33
Present	0	Not Voting	4

Member	Vote	Member	Vote
Mr. Graves of MO	N	Mr. Larsen of WA	Y
Mr. Crawford	N	Ms. Norton	Y
Mr. Webster of FL	N	Mr. Nadler	Y
Mr. Massie		Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	Y
Mr. Babin	N	Mr. Johnson of GA	Y
Mr. Rouzer	N	Mr. Carson	Y
Mr. Bost	N	Ms. Titus	Y
Mr. LaMalfa	N	Mr. Huffman	Y
Mr. Westerman	N	Ms. Brownley	Y
Mr. Mast		Ms. Wilson of FL	Y
Mr. Stauber	N	Mr. DeSaulnier	Y
Mr. Burchett	N	Mr. Carbajal	Y
Mr. Johnson of SD	N	Mr. Stanton	Y
Mr. Van Drew	N	Ms. Davids of KS	Y
Mr. Nehls	N	Mr. García of IL	Y
Mr. Mann	N	Mr. Pappas	Y
Mr. Owens	N	Mr. Moulton	Y
Mr. Burlison	N	Ms. Strickland	Y
Mr. Collins	N	Mr. Ryan	Y
Mr. Ezell	N	Ms. Hoyle of OR	Y
Mr. Kiley	N	Mrs. Sykes	Y
Mr. Fong	N	Ms. Scholten	Y
Mr. Wied	N	Mrs. Foushee	Y
Mr. Barrett	N	Mr. Deluzio	Y
Mr. Begich	N	Mr. Garcia of CA	
Mr. Bresnahan	N	Ms. Pou	Y
Mr. Hurd	N	Ms. McDonald Rivet	Y
Mr. Shreve		Ms. Friedman	Y

Mr. McDowell	N	Ms. Gillen	Y
Mr. Taylor	N	Mr. Figures	Y
Mr. Knott	N		
Ms. King-Hinds	N		
Mr. Kennedy	N		
Mr. Onder	N		
Mr. Patronis	N		

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the *Congressional Budget Act of 1974* and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has requested but has not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has also requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to provide is to provide regulatory and judicial certainty for regulated entities and communities, increase transparency, and promote water quality, and for other purposes.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 3898, as amended, establishes or reauthorizes a program of the Federal government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the *Unfunded Mandates Reform Act* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PREEMPTION CLARIFICATION

Section 423 of the *Congressional Budget Act of 1974* requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 3898, as amended, does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the definition of Section 5(b) of the appendix to Title 5, United States Code, are created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Public Law 104-1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title; table of contents.

This section lays out the table of contents for the bill, and states that the bill may be referred to as the “Promoting Efficient Review for Modern Infrastructure Today Act” or “PERMIT Act”.

Section 2. Water quality standards attainability.

This section requires water quality standards, developed under *Clean Water Act (CWA)* section 303(c), to consider municipal combined sewer storm and sanitary sewer long-term control plans, as well as the ability of a permit holder to maintain compliance with the standards through commercially available technologies.

Section 3. Water quality criteria development and transparency.

This section establishes a more transparent procedure for the development of water quality criteria by the Environmental Protection Agency (EPA) for National Pollutant Discharge Elimination System (NPDES) permits, which provides additional opportunities for public participation and limited judicial review.

Section 4. Water quality technology availability.

This section requires that the technology used to develop effluent limitation guidelines wastewater discharges is viably commercially available in the United States.

Section 5. Improving water quality certifications and American energy infrastructure.

This section modernizes and clarifies the water quality certification process and scope of review under *CWA* section 401.

Section 6. Clarifying Federal general permits.

This section codifies EPA’s practice of issuing general permits under *CWA* section 402 and requires EPA to provide a two-year notice if a general permit will not be renewed.

Section 7. NPDES permit terms.

This section amends *CWA* section 402 to authorize NPDES permits to be issued for up to ten years

Section 8. Confidence in clean water permits.

This section requires NPDES permit writers to use clear limits and terms when writing permits. It also codifies longstanding EPA policy related to when permit holders are shielded from liability.

Section 9. Forest protection and wildland firefighter safety.

This section amends *CWA* section 402 to clarify that aerial discharges of fire retardants that appear on the Forest Service Qualified Products List do not require a NPDES permit.

Section 10. Agricultural stormwater discharge.

This section amends *CWA* section 402 to clarify that agricultural stormwater discharges do not require a NPDES permit.

Section 11. Reducing regulatory burdens.

This section amends *CWA* section 402 to clarify that pesticides regulated under the *Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)* do not require a NPDES permit.

Section 12. Reducing permitting uncertainty.

This section clarifies that EPA cannot veto a *CWA* section 404 dredge and fill permit before an application is filed or after a permit has been issued by the United States Army Corps of Engineers (Corps).

Section 13. Nationwide permitting improvement.

This section codifies and sets standards for Corps-issued Nationwide permits.

Section 14. Deadline for request for submission of additional information for permit programs for dredged or fill material.

This section puts in place a timeline for the EPA to adhere to in the event more information from a State seeking authority to administer a *CWA* section 404 dredge and fill permitting program is required.

Section 15. Judicial review timeline clarity.

This section sets judicial review timelines for *CWA* section 404 dredge and fill permits, as well as for the EPA's approval of state assumptions of 404 permit programs.

Section 16. Restoring federalism in clean water permitting.

This section directs EPA to complete a review of the regulations applicable to state assumption of the *CWA* section 404 dredge and fill permitting program and identify revisions necessary to streamline the process.

Section 17. Jurisdictional determination backlog reduction.

This section directs the Corps to reduce the backlog of jurisdictional determinations, wetlands delineations, and permit applications.

Section 18. Definition of navigable waters.

This section codifies longstanding exclusions from the definition of "waters of the United States" for waste treatment systems, ephemeral features, prior converted cropland, and groundwater.

Section 19. Applicability of Spill Prevention, Control, and Countermeasure rule.

This section increases the aggregate exemption level for oil tanks on certain farms under EPA's Spill Prevention, Control, and Countermeasure Rule under *CWA* section 311.

Section 20. Coordination with Federal Permitting Improvement Steering Council.

This section directs the EPA, the Corps, and states, to the maximum extent practicable, to coordinate with the Federal Permitting Improvement Steering Council on the status of permit applications and requests for certification under sections 401, 402 and 404 of the *CWA*.

Section 21. Sense of Congress on Chesapeake Bay Watershed Agreement.

This section provides the Sense of Congress that the Chesapeake Bay Watershed Agreement is a voluntary, cooperative agreement.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

[INSERT OLC Ramseyer]

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS