

Minority Views

H.R. 3898

We oppose H.R. 3898. The *Clean Water Act (CWA)* is the nation's bedrock environmental law for "restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters." H.R. 3898 defies the *Act's* overarching intent to keep our nation's water clean, guts the authority of federal agencies to minimize the impact that projects have on water resources, and undermines the authority of states and Tribes to protect locally important waterbodies.

This bill significantly restricts U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (Corps) oversight and regulatory authorities under the *Act*, which, when paired with the Trump Administration's efforts to eviscerate federal funding and purge agency personnel, will leave the federal agencies powerless to fulfill their responsibilities under the law. This bill also undermines the "cooperative federalism" partnership the federal government has with states and Tribes to prevent pollution under the *Clean Water Act*, weakening the ability of states and Tribes to defend local waterbodies.

Simply put, this partisan bill makes it easier to release harmful and toxic pollution into our nation's rivers, streams, lakes, and other waterbodies through loopholes, legal shields, and limited oversight of polluters. The bill eviscerates over 50 years of *Clean Water Act* success that has doubled the percentage of waters that are safe for fishing, swimming, and use as drinking water. H.R. 3898 undermines permitting requirements; eliminates judicial review and public engagement; rolls back oversight of mining companies and industrial polluters; slows down permit processing with increased bureaucracy; and weakens state-led decisions on locally important waters.

Congressional Republicans offer these overarching, anti-*Clean Water Act* changes as their response to specific projects that have been blocked or to address the grievances of special interests and polluters rather than provide a sustainable solution for reasonable permitting efforts or to ensure the protection of water quality for current or future generations.

For example, large-scale mining proposals, such as Pebble Mine in Alaska or Spruce Mine in West Virginia, or ecologically devastating flood control projects, such as the Yazoo Pumps in Mississippi, were blocked by presidential administrations from both parties under the EPA's Section 404(c) authority once the impacts were thoroughly documented and publicly evaluated. Although EPA has utilized this authority very sparingly (only 14 times among the tens-of-millions of permitted activities since 1972), H.R. 3898 will effectively eliminate the authority altogether.

Similarly, for over 50 years, states and Tribes have judiciously used section 401 of the *CWA* to ensure that projects or activities carried out within their jurisdictions are consistent with state water quality standards and other relevant state and Tribal laws. Yet, in response to two specific instances where states legitimately used this authority to prevent the construction of fossil fuel-related facilities within their borders, H.R. 3898 changes the law to allow special

interests to override state and Tribal concerns over potential development within their own borders.

In a multitude of ways, H.R. 3898 will weaken federal, state, and local efforts to restore, maintain, or clean up local waterbodies. The bill tells communities of all sizes, especially rural, minority, and economically-disadvantaged communities, that clean water is simply too costly for them to have. At the same time, the bill increases the likelihood that American families will have to spend more for safe drinking water for their homes or to access water-related recreational areas, if such resources are still available. For example, H.R. 3898 increases the likelihood for discharges of toxic chemicals and pesticides, such as PFAS, mercury, and arsenic—chemicals that, once in a local drinking water source, are extremely expensive, and potentially impossible, to remove completely. Under this bill, permittees are discouraged from investigating what toxic chemicals might be in their waste-stream, which increases the likelihood of exposure to American families, including vulnerable populations, such as pregnant women, infants, and children. Yet, even the Trump Administration’s [Make America Healthy Again Commission’s report](#) recognizes the obvious risk to human health from increased exposure to toxic chemicals and pesticides.¹

The bill also exacerbates the likelihood of downstream contamination and flooding as upstream waters and wetlands are developed or destroyed—increasing the risk and the cost to American families, businesses, and economies. H.R. 3898 rewards polluters and special interests by reducing their responsibility to prevent or treat their waste—shifting the cost from polluters to American families who will be forced to pay more for clean water.

H.R. 3898 also allows private industry and development to steamroll through towns and states, polluting waterbodies due to minimal review and disregarding local perspectives. The bill greenlights large projects with minimal review while also limiting opportunities for public comment or challenges to ecologically damaging permits or projects. The bill also prevents judicial review by vastly shortening the statute of limitations; limiting standing to file suit; and limiting the Court’s options for recourse.

If H.R. 3898 is enacted, the potential adverse impacts to waterbodies (such as reduced water quality or availability); to the environment (such as increased greenhouse gas emissions or other contamination); and to residents (such as perpetuating environmental justice concerns) will be borne by the local and surrounding communities without a voice or venue to have their concerns heard. This legislation puts polluters over people.

Ironically, H.R. 3898 also contradicts itself by slowing down permitting processes, sowing uncertainty, and decreasing flexibility. For example, H.R. 3898 will add a formal rulemaking process in place of an existing and more efficient guidance process. This will slow down the issuance of water quality criteria without increasing transparency or public participation and remove flexibility for updates. It will also open the criteria to judicial review,

¹ See <https://www.whitehouse.gov/wp-content/uploads/2025/05/WH-The-MAHA-Report-Assessment.pdf>.

allowing aggrieved polluters another opportunity to challenge state and local efforts to protect local waterbodies and human health.

Proponents of H.R. 3898 contend that it will speed up jurisdictional determinations and wetland permits following the U.S. Supreme Court's decision in *Sackett v. EPA*. That decision severely restricted what waters remain subject to *CWA* protection and is estimated to have removed such protection on at least 50% of wetlands and at least 60% of streams nationwide. Yet, section 17 seeks to, again, redefine what waters and wetlands remain subject to federal protection. When combined with the Trump Administration's efforts to redefine by rulemaking the scope of federally protected waters and eliminate federal employees responsible for permitting requirements, the net result will be *more confusion and uncertainty* and *longer wait times for necessary permits*.

Congressional Republicans can claim, over and over, that they support clean water and healthy communities; however, their support for this bill tells the real story. If Republicans were serious about protecting our water resources, our families, and our water-related economy, they would look comprehensively at the remaining sources of impairment to our rivers, streams, lakes, wetlands, and coastal areas, and take the necessary steps and make the necessary investment to address these challenges. When Democrats last controlled the U.S. House of Representatives, we not only enacted the single largest investment in wastewater infrastructure ever through the *Bipartisan Infrastructure Law*, but we initiated efforts to repair the damage to the *Clean Water Act* caused by a conservative Supreme Court and worked towards finally achieving the elusive goal of "fishable and swimmable" waters for all Americans.

The litany of loopholes, legal shields, and limited oversight contained in H.R. 3898 are the opposite of what Congress needs to be doing to protect our water resources. Exposing the waters and wetlands that remain under *Clean Water Act* protections to unrestricted and unchallengeable pollution or destruction will do nothing to restore and maintain clean water.

During consideration of H.R. 3898, several Committee Democrats sought to lessen the negative impacts of this legislation and require EPA to verify that the changes in the bill would not adversely impact the health, safety, and availability of clean water in communities nationwide.

Ranking Member Rick Larsen (WA-02) offered an amendment to remove several provisions from the bill which undermine the "cooperative federalism" partnership the federal government has with states and Tribes to protect against the pollution of local waterbodies. The amendment would have restored the ability of states and Tribes to make locally important decisions related to the protection of locally important waterbodies. In many instances, states are better suited to understand the unique needs, demands, and importance on local waterbodies; this amendment would allow states to continue to lead local efforts to protect clean water.

Representative Dina Titus (NV-01) offered an amendment to highlight how the bill's attempt to codify the draconian losses of *Clean Water Act* protections from the *Sackett* decision will disproportionately and adversely affect certain states. For example, in the state of Nevada, the loss of *Clean Water Act* protections for ephemeral streams will mean that close to 88 percent

of the stream miles covered before the *Sackett* decision will no longer be federally protected.² Similarly, under the most damaging scenario, 92 percent of wetland area in the State of Washington has likely lost federal protection under the rationale of the Supreme Court and this legislation.

Representatives Emilia Sykes (OH-13) and Shomari Figures (AL-02) each offered an amendment to ensure that the loopholes, legal shields, and limited oversight of polluters contained in H.R. 3898 do not disproportionately impact rural, economically-disadvantaged, and Tribal communities. Nine out of 10 Americans receive their drinking water from public water systems that rely on a network of surface and subsurface waters to provide the water entering our homes and businesses. The Sykes and Figures amendments sought to prevent any increase in the volume, toxicity, or concentration of pollution entering our waters and to prevent any corresponding increase in local utility rates that would be required to remove increased pollution levels caused by this bill. We cannot continue to allow the economic and human health burdens of increased pollution to be placed on those communities that are least able to bear these burdens.

Representatives Hillary Scholten (MI-03), Laura Gillen (NY-04), and Pat Ryan (NY-18) each offered an amendment to protect communities, families, and individuals from increased exposure to pollution that would result from the changes in H.R. 3898. The Scholten amendment sought to retain existing Clean Water Act protections for the use of pesticides that could adversely affect the health of pregnant women, fetal development, infants, or children. The Gillen amendment sought to protect communities and individuals from the increased likelihood of exposure to chemicals and materials linked to cancer, such as PFAS, arsenic, nitrates, nitrites, pesticides, chromium, radium, and uranium that would result from the changes in this bill. The Ryan amendment delays the effective date of the bill until the EPA Administrator determines that the changes will not result in increased discharges of forever chemicals (such as PFAS) or nutrients that cause harmful algal blooms. The amendment would have ensured that communities are not left with the environmental and economic burden of cleaning up and removing such pollutants.

Representative Kristen McDonald Rivet (MI-08) offered an amendment that would protect the Great Lakes and other *Clean Water Act* geographic programs from the potential for increased discharges of pollution because of this bill. The Great Lakes are the largest source of freshwater in the United States, containing 21 percent of the world's surface freshwater by volume. This amendment would prevent the changes contained in H.R. 3898 from resulting in increased discharges of pollution to the Great Lakes, and other critical regional waterbodies, which could degrade the human, ecological, and economic health of the region that depends on clean water.

Representative Laura Friedman (CA-30) offered an amendment that sought to minimize the discharge of pollutants into waterbodies that states, especially western states, are using to

² See Mapping Destruction: Using GIS Modeling to Show the Disastrous Impacts of *Sackett v. EPA* on America's Wetlands, accessed at https://www.nrdc.org/sites/default/files/2025-03/Wetlands_Report_R_25-03-B_05_locked.pdf.

augment local water supplies through water recapture, water reuse and recycling, and groundwater recharge. The availability of safe, reliable, and affordable water is critical, not only to the survival of life, but also to the economic health of communities and regions, contributing to the success of industry, manufacturing, agriculture, transportation, and recreation. This amendment would have ensured that forward-looking states and Tribes, which are rightly preparing for the future through maximizing efforts to conserve, reuse, and replenish every drop of water, are not hindered by increased levels of pollution resulting from the changes in H.R. 3898.

Representative Nellie Pou (NJ-09) offered an amendment that sought to prevent this bill from increasing the discharge of raw or partially treated sewage into our waters. The *Clean Water Act* currently requires dischargers of wastewater to take every step possible to treat sewage before it is released into the environment. H.R. 3898 would weaken those requirements, calling into question whether polluters will still be required to implement treatment technologies sufficient to prevent the discharge of raw or partially treated sewage into our nation's waters, especially if a polluter suggests that such technologies are "too expensive" or "not commercially available in the United States...at comparable scale." The Pou amendment would have prevented these new loopholes from resulting in an increase in combined and sanitary sewer overflows or an increase in the risk (and economic consequences) of flooding associated with the discharge of increased volumes of industrial or municipal stormwater.

The *Clean Water Act* has been an effective tool for improving the health of our rivers, streams, lakes, and wetlands. Unfortunately, progress restoring impaired waterbodies has slowed and, in some areas, reversed. Communities face new challenges from emerging contaminants and impacts of climate change, and an increased need for affordable federal assistance—especially rural, minority, and economically-disadvantaged communities; yet the Trump Administration proposes to decimate funding for federal and state clean water agencies, as well as critical infrastructure funding for communities of all sizes. An activist conservative court has reinterpreted the *CWA* to protect significantly fewer waterbodies and prevent fewer discharges of pollutants. Rather than address these growing challenges to fishable and swimmable water for all Americans, H.R. 3898 provides additional loopholes, legal shields, and limited oversight for special interests and polluters.

In our view, this legislation is unnecessary, unwarranted, and a dangerous attack on clean water nationwide. For these reasons, we oppose H.R. 3898.

A handwritten signature in black ink, reading "Rick Larsen". The signature is fluid and cursive, with a horizontal line underneath the name.

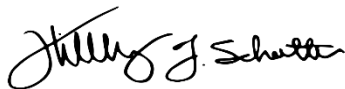
Rick Larsen
Ranking Member
Committee on Transportation and Infrastructure



Frederica Wilson
Ranking Member
Subcommittee on Water Resources and Environment



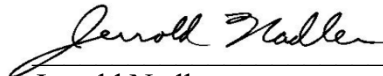
Emilia Sykes
Vice Ranking Member
Committee on Transportation and Infrastructure



Hillary Scholten
Vice Ranking Member
Subcommittee on Water Resources and Environment



Eleanor Holmes Norton
Member of Congress



Jerrold Nadler
Member of Congress



Steve Cohen
Member of Congress



John Garamendi
Member of Congress



Henry "Hank" Johnson
Member of Congress



André Carson
Member of Congress



Dina Titus
Member of Congress



Jared Huffman
Member of Congress



Julia Brownley
Member of Congress



Salud Carbajal
Member of Congress



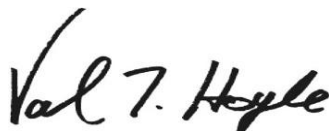
Sharice Davids
Member of Congress



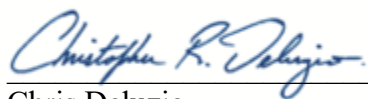
Chris Pappas
Member of Congress



Marilyn Strickland
Member of Congress



Val Hoyle
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Chris Deluzio
Member of Congress



Nellie Pou
Member of Congress



Mark DeSaulnier
Member of Congress



Greg Stanton
Member of Congress



Jesús "Chuy" García
Member of Congress



Seth Moulton
Member of Congress



Pat Ryan
Member of Congress



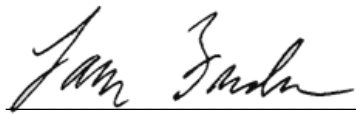
Valerie Foushee
Member of Congress



Robert Garcia
Member of Congress



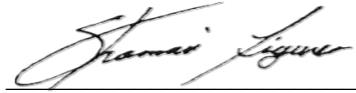
Kristen McDonald Rivet
Member of Congress



Laura Friedman
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Laura Gillen
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