



April 18, 2023

U.S. House of Representatives
Washington, DC 20510

Dear Representatives:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 68 chapters representing more than 22,000 members, we write to urge you to support the U.S. House of Representatives' override of President Joe Biden's veto of the House- and U.S. Senate-passed H.J. Res. 27, a joint resolution of disapproval under the Congressional Review Act of the Environmental Protection Agency and the Army Corps of Engineers' 2023 revised Waters of the United States regulation. **ABC urges a YES VOTE on the veto override of H.J. Res. 27 and will consider this a "KEY VOTE" for our scorecard on the 118th Congress.**

The Biden administration's flawed, burdensome and overreaching WOTUS rule will result in sweeping changes to the federal government's authority to regulate what is considered a navigable water, with enormous impacts on small businesses, developers and contractors. The rule will cause building delays due to regulatory uncertainty, plus increased permitting and mitigation costs, which will make it more difficult and expensive to grow food, produce energy and build critical infrastructure for the 21st century.

Finally, because the U.S. Supreme Court has decided to hear the case of *Sackett v. Environmental Protection Agency*, which challenges EPA's overreach of its CWA jurisdiction, there is no sense in rushing through a rulemaking proceeding that codifies a standard that the Supreme Court could change or foreclose altogether. Already, federal courts have blocked enforcement of the WOTUS rule in 26 states, clearly demonstrating the lack of legal authority for the Biden administration's actions.

While ABC members remain committed to serving as good stewards of the environment and complying with federal, state and local law, the Biden administration's WOTUS rule seeks to make the sixth change in the regulation in nearly as many years, which makes for an everchanging regulatory environment that adds layers of difficulty to important and costly business decisions.

ABC urges a YES VOTE on the veto override on H.J. Res. 27 and will consider this a "KEY