

H.J. Res. 27, Providing for Congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Army, Corps of Engineers, Department of Defense and the Environmental Protection Agency relating to “Revised Definition of ‘Waters of the United States’”

As reported by the House Committee on Transportation and Infrastructure on March 3, 2023

By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	*	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	*	*	*
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034? < \$2.5 billion	Statutory pay-as-you-go procedures apply?		Yes
	Mandate Effects		
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034? < \$5 billion	Contains intergovernmental mandate?		Yes, Under Threshold
	Contains private-sector mandate?		Yes, Under Threshold
* = between -\$500,000 and \$500,000.			

H.J. Res. 27 would prevent the Environmental Protection Agency (EPA) and the Army Corps of Engineers from implementing or enforcing certain regulations related to the nation’s waters and wetlands under the Clean Water Act (CWA).

The CWA directs EPA and the Corps to serve as co-regulators, along with the states, of the nation’s waters. H.J. Res. 27 would prevent those agencies from implementing a final rule, “[Revised Definition of ‘Waters of the United States,’](#)” as published in the *Federal Register* on January 18, 2023. The rule, which will take effect on March 20, 2023, defines the scope of waters protected by the CWA.

Under current law, the Corps collects fees to issue permits under the CWA in amounts that, on average, total less than \$50,000 annually. Those fees are recorded in the budget as offsets to direct spending.



CBO expects that implementing the joint resolution could affect permitting requirements for some projects and thus the number of permit applications, but we do not have enough information to determine whether the number of applications would increase or decrease. CBO estimates that any increase or decrease in direct spending under the joint resolution would be insignificant because the fees the Corps collects are nominal.

If the 2023 rule were reversed, the regulations that were previously in place would once again become effective. The administrative burden on EPA and the Corps to reverse the regulations would be minimal, so CBO estimates that administrative costs would be insignificant; any spending would be subject to the availability of appropriated funds.

Implementing H.J. Res. 27 would impose mandates on intergovernmental and private-sector entities as defined in the Unfunded Mandates Reform Act (UMRA) because some property owners would encounter regulatory requirements that they would not otherwise face when the final rule is in effect. Some property owners would face fewer regulatory requirements under the resolution. The cost of the mandate would be any fees and expenses incurred to comply with the regulatory requirements under the CWA.

The number of property owners affected would depend on how EPA and the Corps implement the joint resolution. Even if the total number of applications, on net, decrease or remain unchanged, CBO expects that implementing the joint resolution would require a limited number of property owners to apply for additional permits. Using information from the Corps, CBO estimates the cost of the mandates would not exceed the thresholds established in UMRA for intergovernmental and private-sector mandates (\$99 million and \$198 million in 2023, respectively, adjusted annually for inflation).

The CBO staff contacts for this estimate are Aurora Swanson (for federal costs) and Brandon Lever (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

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