

117TH CONGRESS
2D SESSION

S. CON. RES. 46

Commemorating the 50th anniversary of the Federal Water Pollution Control Act Amendments of 1972, commonly known as the “Clean Water Act”.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2022

Mr. CARPER (for himself, Mr. CARDIN, Mr. MARKEY, Mr. MERKLEY, Mr. PADILLA, Mr. WHITEHOUSE, Mr. KAINE, Mr. VAN HOLLEN, Mr. KING, and Mr. PETERS) submitted the following concurrent resolution; which was referred to the Committee on Environment and Public Works

CONCURRENT RESOLUTION

Commemorating the 50th anniversary of the Federal Water Pollution Control Act Amendments of 1972, commonly known as the “Clean Water Act”.

Whereas the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92–500; 86 Stat. 816), including the amendments made by that Act (collectively commonly known and referred to in this preamble as the “Clean Water Act”), is one of the most important environmental laws in the United States and the Nation’s principal safeguard against pollution, degradation, and destruction of surface waters, including streams, rivers, wetlands, and lakes;

Whereas the Clean Water Act has made progress towards the objective of the legislation to “restore and maintain the

chemical, physical, and biological integrity of the Nation's waters" by—

- (1) significantly reducing water pollution;
- (2) substantially improving the quality of tens of thousands of waterbodies; and
- (3) dramatically reducing the rate of wetlands loss;

Whereas, despite the improvements brought about by the Clean Water Act, failure to fully achieve the intended goals of the Clean Water Act are due to—

- (1) changes to interpretation of the Clean Water Act, which has weakened protections for our waters;
- (2) lack of adequate and equitable investments in clean water infrastructure and funding to implement and enforce the Clean Water Act; and
- (3) weak and inequitable enforcement and implementation of critical provisions of the Clean Water Act; and

Whereas, as the United States embarks on the next 50 years of the Clean Water Act, Congress envisions a law that—

- (1) expands access to clean water for every community by—
 - (A) protecting waters with cultural, historical, spiritual, and religious significance;
 - (B) ensuring that rivers, streams, and other waterbodies are fishable and swimmable and serve as safe and reliable sources of recreation, drinking water, and subsistence;
 - (C) restoring and safeguarding waterways and wetlands that provide vital fish and wildlife habitat and protect communities from floods and droughts; and

(D) making healthy shorelines, waterfronts, and water-related recreation available and welcoming to all;

(2) prioritizes affordable clean water investments in Black, Indigenous, People of Color, low-wealth, and other communities that have been most harmed by pollution;

(3) incentivizes natural infrastructure and nature-based solutions;

(4) builds climate resiliency and mitigation of climate impacts into our water infrastructure;

(5) supports robust, transparent, and meaningful community engagement and community-led solutions and decisionmaking, including meaningfully incorporating the perspectives and solutions of Tribal communities;

(6) ensures affordable clean water services for all;

(7) protects and restores ecosystems by—

(A) eliminating harmful algal blooms, algal toxins in drinking water supplies, and “dead zones” by reducing inputs of nitrogen and phosphorus from the most significant sources;

(B) preventing destruction and degradation of remaining wetlands and restoring and protecting wetlands across the country;

(C) restoring all waters, especially the most polluted waterways and waterways in the communities most impacted by pollution;

(D) incorporating climate change science and modeling and indigenous knowledge into planning and restoration efforts;

(E) improving water quality, healthy river flows, and groundwater recharge;

(F) removing outdated infrastructure that is adversely impacting the health of waters; and

(G) supporting significant protected areas and free-flowing riverine systems, including components of the National Wild and Scenic Rivers System, units of the National Park System, National Forests, units of the Wildlife Refuge System, and components of the National Wilderness Preservation System;

(8) promotes an inclusive, transparent, and equitable approach to policy development, based on best available science, by—

(A) proactively protecting human health and the environment from discharges of harmful pollutants, including new, emerging, and toxic contaminants;

(B) basing decisions on the most credible climate projections;

(C) accepting community-sourced and peer-reviewed science as a source of data for decision-making related to the Clean Water Act;

(D) ensuring that all decisions comply with the full suite of applicable laws;

(E) ensuring that States are consistent and timely in implementation of the Clean Water Act; and

(F) increasing the reach and accuracy of water quality monitoring and assessment by providing funding to States, agencies, and other organizations conducting such activities; and

(9) holds polluters accountable by including stronger enforcement measures, including—

(A) prioritizing prosecutions of violations of the Clean Water Act that have affected Black, Indige-

nous, People of Color, low-wealth, and other communities that have been most harmed by pollution;

(B) ensuring that Federal and State agencies carefully, clearly, and equitably apply the requirements of the Clean Water Act;

(C) providing the resources needed to ensure that Federal and State agencies have the capacity to effectively implement and enforce the Clean Water Act; and

(D) protecting our cleanest and most outstanding waters through classification of Outstanding National Resources Waters: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring), That Congress—*

3 (1) commemorates the 50th anniversary of the
4 enactment of the Federal Water Pollution Control
5 Act Amendments of 1972 (Public Law 92–500; 86
6 Stat. 816), including the amendments made by that
7 Act (collectively commonly known and referred to in
8 this resolution as the “Clean Water Act”);

9 (2) recognizes the historic achievements in im-
10 proving water quality that have been made during
11 the 50 years of implementation of the Clean Water
12 Act; and

13 (3) recognizes and seeks to address the short-
14 comings of the Clean Water Act in restoring and

1 maintaining the chemical, physical, and biological in-
2 tegrity of the Nation's waters, including by—

3 (A) expanding access to clean water for
4 every community;

5 (B) recognizing that a robust Clean Water
6 Act is critical for the protection of human and
7 environmental health, for the promotion of
8 healthy and robust economies, and for main-
9 taining a healthy quality of life;

10 (C) increasing clean water infrastructure
11 investments in communities throughout the Na-
12 tion and targeting increased and affordable in-
13 vestments in communities most at risk of con-
14 tinued pollution;

15 (D) addressing climate resiliency and miti-
16 gation of climate impacts on clean water infra-
17 structure;

18 (E) promoting an inclusive, transparent,
19 and equitable approach to Clean Water Act pol-
20 icy development, based on the best available
21 science;

22 (F) holding polluters accountable; and

- 1 (G) ensuring the protection and restoration
- 2 of rivers, streams, lakes, wetlands, and natural
- 3 ecosystems.

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