

116TH CONGRESS
1ST SESSION

H. R. 2287

To clarify the definition of navigable waters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2019

Mr. THORNBERRY introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

A BILL

To clarify the definition of navigable waters, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Regulatory
5 Certainty for Water Act”.

6 **SEC. 2. REPEAL OF AGENCY REGULATIONS.**

7 The final rule issued by the Administrator of the En-
8 vironmental Protection Agency and the Secretary of the
9 Army entitled “Clean Water Rule: Definition of ‘Waters
10 of the United States’”, signed by the Administrator and

1 the Assistant Secretary of the Army for Civil Works on
2 May 27, 2015, shall have no force or effect.

3 **SEC. 3. DEFINITION OF NAVIGABLE WATERS.**

4 Section 502 of the Federal Water Pollution Control
5 Act (33 U.S.C. 1362) is amended by striking paragraph
6 (7) and inserting the following:

7 “(7) NAVIGABLE WATERS.—

8 “(A) IN GENERAL.—The term ‘navigable
9 waters’ means the waters of the United States,
10 including the territorial seas, that are—

11 “(i) navigable-in-fact; or

12 “(ii) permanent or continuously flow-
13 ing bodies of water that form geographical
14 features commonly known as streams,
15 oceans, rivers, and lakes that are con-
16 nected to waters that are navigable-in-fact.

17 “(B) EXCLUSIONS.—The term ‘navigable
18 waters’ does not include—

19 “(i) waters that do not physically abut
20 waters described in subparagraph (A)
21 through an actual and continuous surface
22 water connection;

23 “(ii) man-made or natural structures
24 or channels through which water flows

1 intermittently or ephemerally, including for
2 the periodic drainage of rainfall; or

3 “(iii) wetlands, including playa lakes,
4 prairie potholes, wet meadows, wet prai-
5 ries, and vernal pools, that lack a contin-
6 uous surface water connection to bodies of
7 water that are waters described in sub-
8 paragraph (A).

9 “(C) NO AGGREGATION.—The aggregation
10 of wetlands or waters shall not be used to de-
11 termine whether the wetlands or waters are
12 navigable waters.”.

13 **SEC. 4. COAST GUARD.**

14 Nothing in this Act or the amendments made by this
15 Act shall be construed to impair, diminish, or otherwise
16 affect the authority, function, jurisdiction, or power of the
17 Coast Guard, or any member thereof, with respect to the
18 navigable waters of the United States, or to affect or alter
19 the status of such waters as navigable waters of the
20 United States for such purposes.

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