To amend the Federal Water Pollution Control Act to codify the definition of the term "waters of the United States", and for other purposes.

IN THE HOUSE OF REPRESENTATIVES
APRIL 19, 2021

Mr. Latta (for himself, Mr. Perry, Mr. Arrington, Mrs. Wagner, Mr. Johnson of South Dakota, Mr. Stivers, Mr. Carl, Mr. Cloud, Mr. Joyce of Pennsylvania, Ms. Mace, Mrs. Hinson, Mr. Walberg, Mr. Burgess, Mr. McKinley, Mrs. McClain, Mr. Jackson, and Mr. Pence) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL
To amend the Federal Water Pollution Control Act to codify the definition of the term “waters of the United States”, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Withstanding Attempts to Encroach on our Resources Act of 2021” or the “WATER Act”.

SECTION 2. FINDINGS.

Congress finds the following:
(1) In June 2015, the Corps of Engineers and the Environmental Protection Agency published a final rule (hereinafter referred to as the “2015 WOTUS rule”) to revise regulations defining the scope of waters protected and regulated under the Clean Water Act.

(2) The 2015 WOTUS rule significantly expanded the scope of Federal jurisdiction under the Clean Water Act over virtually all waters and wet areas in the United States.

(3) On April 21, 2020, the Environmental Protection Agency and the Corps of Engineers revisited the 2015 WOTUS rule and finalized a revised definition of the term “waters of the United States” to address legal, economic, and jurisdictional concerns surrounding the previous definition.

(4) The 2015 WOTUS rule infringed on the rights of property owners, particularly in agricultural communities, and represented an alarming regulatory overreach of the executive branch into policies that should be addressed by the legislative branch through the legislative process.

SEC. 3. DEFINITION.

Section 502(7) of the Federal Water Pollution Control Act (33 U.S.C. 1362(7)) is amended by striking “,
including the territorial seas.” and inserting “(as such term is defined in section 120.2 of title 40, Code of Federal Regulations, as in effect on June 22, 2020).”.