H. R. 1

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

IN THE HOUSE OF REPRESENTATIVES

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

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
of the United States’”, signed by the Administrator and the Assistant Secretary on May 27, 2015, shall have no force or effect.

SEC. 3. DEFINITION OF NAVIGABLE WATERS.

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

“(7) NAVIGABLE WATERS.—

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

“(i) navigable-in-fact; or

“(ii) permanent or continuously flowing bodies of water that form geographical features commonly known as streams, oceans, rivers, and lakes that are connected to waters that are navigable-in-fact.

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

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

“(ii) man-made or natural structures or channels through which water flows
intermittently or ephemerally, including for
the periodic drainage of rainfall; or

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

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

SEC. 4. COAST GUARD.

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