

117TH CONGRESS
1ST SESSION

H. R. 2660

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.

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 “Withstanding Attempts
5 to Encroach on our Resources Act of 2021” or the
6 “WATER Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

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

7 (2) The 2015 WOTUS rule significantly ex-
8 panded the scope of Federal jurisdiction under the
9 Clean Water Act over virtually all waters and wet
10 areas in the United States.

11 (3) On April 21, 2020, the Environmental Pro-
12 tection Agency and the Corps of Engineers revisited
13 the 2015 WOTUS rule and finalized a revised defi-
14 nition of the term “waters of the United States” to
15 address legal, economic, and jurisdictional concerns
16 surrounding the previous definition.

17 (4) The 2015 WOTUS rule infringed on the
18 rights of property owners, particularly in agricul-
19 tural communities, and represented an alarming reg-
20 ulatory overreach of the executive branch into poli-
21 cies that should be addressed by the legislative
22 branch through the legislative process.

23 **SEC. 3. DEFINITION.**

24 Section 502(7) of the Federal Water Pollution Con-
25 trol Act (33 U.S.C. 1362(7)) is amended by striking “,

1 including the territorial seas.” and inserting “(as such
2 term is defined in section 120.2 of title 40, Code of Fed-
3 eral Regulations, as in effect on June 22, 2020).”.

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