

117TH CONGRESS
1ST SESSION

S. _____

To enact the definition of “waters of the United States” into law, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To enact the definition of “waters of the United States”
into law, 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 “Navigable Waters Pro-
5 tection Act of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) as of March 2021, the final rule of the Sec-
9 retary of the Army, acting through the Assistant
10 Secretary of the Army for Civil Works, and the Ad-

1 administrator of the Environmental Protection Agency
2 entitled “The Navigable Waters Protection Rule:
3 Definition of ‘Waters of the United States’” (85
4 Fed. Reg. 22250 (April 21, 2020)) (referred to in
5 this section as the “Navigable Waters Protection
6 Rule”) is being implemented in all 50 States;

7 (2) the final rule issued by the Administrator of
8 the Environmental Protection Agency and the Sec-
9 retary of the Army, acting through the Assistant
10 Secretary of the Army for Civil Works, entitled
11 “Clean Water Rule: Definition of ‘Waters of the
12 United States’” (80 Fed. Reg. 37054 (June 29,
13 2015))—

14 (A) was subject to a vote under chapter 8
15 of title 5, United States Code (commonly known
16 as the “Congressional Review Act”), in which
17 members of both parties in the House of Rep-
18 resentatives and the Senate voted in favor of
19 disapproving the final rule under that chapter;
20 and

21 (B) was stayed across the United States
22 for over 2 years due to legal deficiencies; and

23 (3) the Navigable Waters Protection Rule es-
24 tablished a definition of “navigable waters” under

1 the Federal Water Pollution Control Act (33 U.S.C.
2 1251 et seq.) that—

3 (A) for the first time, provides clarity, pre-
4 dictability, and consistency while ensuring envi-
5 ronmental protection; and

6 (B) clearly delineates where Federal regu-
7 lations apply and gives State and local authori-
8 ties the flexibility to determine how to best
9 manage water resources within their borders.

10 **SEC. 3. WATERS OF THE UNITED STATES.**

11 The definitions of the term “waters of the United
12 States” and the other terms defined in section 328.3 of
13 title 33, Code of Federal Regulations (as in effect on the
14 date of enactment of this Act), are enacted into law.