

119TH CONGRESS
1ST SESSION

H. R. 3905

To amend the Federal Water Pollution Control Act with respect to judicial review of the issuance of a permit for the discharge of dredged or fill material, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2025

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

A BILL

To amend the Federal Water Pollution Control Act with respect to judicial review of the issuance of a permit for the discharge of dredged or fill material, 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 “Judicial Review
5 Timeline Clarity Act”.

6 **SEC. 2. JUDICIAL REVIEW TIMELINE CLARITY.**

7 Section 404 of the Federal Water Pollution Control
8 Act (33 U.S.C. 1344) is amended—

1 (1) by redesignating subsection (t) as sub-
2 section (u);

3 (2) in subsection (u), as so redesignated, by
4 striking “Nothing in the section” and inserting
5 “SAVINGS PROVISION.—Nothing in this section”;
6 and

7 (3) by inserting after subsection (s) the fol-
8 lowing:

9 “(t) JUDICIAL REVIEW.—

10 “(1) STATUTE OF LIMITATIONS.—Notwith-
11 standing any applicable provision of law relating to
12 statutes of limitations—

13 “(A) an action seeking judicial review of
14 an individual permit or general permit issued
15 under this section shall be filed not later than
16 the date that is 60 days after the date on which
17 the permit was issued; and

18 “(B) an action seeking judicial review of a
19 verification that an activity involving a dis-
20 charge of dredged or fill material is authorized
21 by a general permit issued under this section
22 shall be filed not later than the date that is 60
23 days after the date on which such verification
24 was issued.

1 “(2) LIMITATION ON COMMENCEMENT OF CER-
2 TAIN ACTIONS.—Notwithstanding any other provi-
3 sion of law, no action described in paragraph (1)
4 may be commenced unless the action—

5 “(A) is filed by a party that submitted a
6 comment—

7 “(i) during the public comment period
8 for the administrative proceedings related
9 to the applicable action described in such
10 paragraph; and

11 “(ii) which was sufficiently detailed to
12 put the Secretary or the State, as applica-
13 ble, on notice of the issue upon which the
14 party seeks judicial review; and

15 “(B) is related to such comment.

16 “(3) REMEDY.—If a court determines that the
17 Secretary or the State, as applicable, did not comply
18 with the requirements of this section in issuing an
19 individual or general permit under this section, or in
20 verifying that an activity involving a discharge of
21 dredged or fill material is authorized by a general
22 permit issued under this section, as applicable—

23 “(A) the court shall remand the matter to
24 the Secretary or the State, as applicable, for

1 further proceedings consistent with the deter-
2 mination of the court;

3 “(B) with respect to a determination re-
4 garding the issuance of an individual or general
5 permit under this section, the court may not va-
6 cate, revoke, enjoin, or otherwise limit the per-
7 mit, unless the court finds that activities au-
8 thorized under the permit would present an im-
9 minent and substantial danger to human health
10 or the environment for which there is no other
11 equitable remedy available under the law; and

12 “(C) with respect to a determination re-
13 garding a verification that an activity involving
14 a discharge of dredged or fill material is au-
15 thorized by a general permit issued under this
16 section, the court may not enjoin or otherwise
17 limit the discharge unless the court finds that
18 the activity would present an imminent and
19 substantial danger to human health or the envi-
20 ronment for which there is no other equitable
21 remedy available under the law.

22 “(4) TIMELINE TO ACT ON COURT ORDER.—If
23 a court remands a matter under paragraph (2), the
24 court shall set and enforce a reasonable schedule
25 and deadline, which may not exceed 180 days from

1 the date on which the court remands such matter,
2 except as otherwise required by law, for the Sec-
3 retary or the State, as applicable, to take such ac-
4 tions as the court may order.”.

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