

S 980

Defense of Environment and Property Act of 2015

Congress: 114 (2015–2017, Ended)

Chamber: Senate

Policy Area: Environmental Protection

Introduced: Apr 16, 2015

Current Status: Read twice and referred to the Committee on Environment and Public Works.

Latest Action: Read twice and referred to the Committee on Environment and Public Works. (Apr 16, 2015)

Official Text: <https://www.congress.gov/bill/114th-congress/senate-bill/980>

Sponsor

Name: Sen. Paul, Rand [R-KY]

Party: Republican • State: KY • Chamber: Senate

Cosponsors (6 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Cruz, Ted [R-TX]	R · TX		Apr 16, 2015
Sen. Hatch, Orrin G. [R-UT]	R · UT		Apr 16, 2015
Sen. Lee, Mike [R-UT]	R · UT		Apr 16, 2015
Sen. McConnell, Mitch [R-KY]	R · KY		Apr 16, 2015
Sen. Rubio, Marco [R-FL]	R · FL		Apr 16, 2015
Sen. Grassley, Chuck [R-IA]	R · IA		May 14, 2015

Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Referred To	Apr 16, 2015

Subjects & Policy Tags

Policy Area:

Environmental Protection

Related Bills

No related bills are listed.

## Defense of Environment and Property Act of 2015

This bill amends the Federal Water Pollution Control Act (commonly known as the Clean Water Act) to specify the types of water bodies that are "navigable waters" and therefore fall under the scope of the Act. Groundwater is considered to be state water.

Activities carried out by the Environmental Protection Agency (EPA) or the U.S. Army Corps of Engineers may not impinge upon states' power over land and water use.

States or individual property owners may obtain judicial review of jurisdictional determinations by the EPA or the Army Corps that would affect their ability to plan the development and use of land and water resources within 30 days after a determination.

The EPA may not use a significant nexus test to determine federal jurisdiction over navigable waters and waters of the United States.

The following rules are nullified: (1) the Army Corps' rule entitled "Final Rule for Regulatory Programs of the Corps of Engineers," (2) the EPA's proposed rule entitled "Advance Notice of Proposed Rulemaking on the Clean Water Act Regulatory Definition of 'Waters of the United States,'" (3) the guidance document entitled "Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States* & *Carabell v. United States*" (relating to the definition of waters under the jurisdiction of the Clean Water Act), and (4) any subsequent regulation or guidance issued by federal agencies that defines or interprets the term "navigable waters."

The Army Corps and the EPA may not promulgate rules or issue guidance that expands or interprets the definition of navigable waters unless expressly authorized by Congress.

Federal agencies must obtain the consent of private property owners prior to entering their land to collect information about navigable waters. Federal agencies that issue regulations that relate to the definition of navigable waters or waters of the United States and diminish the fair market value or economic viability of a property must pay the affected property owner an amount equal to twice the value of the loss. Until the landowners have been compensated, such a regulation will have no force or effect.

## Actions Timeline

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- **Apr 16, 2015:** Introduced in Senate
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