

S 2517

Defense of Environment and Property Act of 2021

Congress: 117 (2021–2023, Ended)

Chamber: Senate

Policy Area: Environmental Protection

Introduced: Jul 28, 2021

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. (Jul 28, 2021)

Official Text: <https://www.congress.gov/bill/117th-congress/senate-bill/2517>

Sponsor

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

Party: Republican • **State:** KY • **Chamber:** Senate

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Cruz, Ted [R-TX]	R · TX		Jul 28, 2021
Sen. Rubio, Marco [R-FL]	R · FL		Jul 28, 2021

Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Referred To	Jul 28, 2021

Subjects & Policy Tags

Policy Area:

Environmental Protection

Related Bills

Bill	Relationship	Last Action
117 HR 5849	Identical bill	Nov 4, 2021: Referred to the Subcommittee on Water Resources and Environment.

Defense of Environment and Property Act of 2021

This bill revises the scope, jurisdiction, and requirements of the Clean Water Act.

It specifies the types of water bodies that are navigable waters and therefore receive protection. It defines *navigable waters* as waters of the United States that are (1) navigable-in-fact; or (2) permanent, standing, 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.

The bill limits the jurisdiction of the U.S. Army Corps of Engineers and the Environmental Protection Agency (EPA) over such waters, including by stating that ground water is under the jurisdiction of states. The bill prohibits the EPA from using a significant nexus test to determine federal jurisdiction over navigable waters and waters of the United States.

The bill nullifies the Migratory Bird rule and a 2008 guidance document about the definition of waters under the jurisdiction of the Clean Water Act. The bill prohibits the EPA and the Corps from issuing new rules or guidance that expands or interprets the definition of *navigable waters* unless expressly authorized by Congress.

Federal agencies must obtain consent from private property owners to collect information about navigable waters on their land. If regulations relating to navigable waters or waters of United States diminish the value of a property, then the federal government must pay the property owner an amount equal to twice the value of the loss.

Actions Timeline

- **Jul 28, 2021:** Introduced in Senate
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