

119TH CONGRESS
1ST SESSION

S. 1014

To ensure that certain permit approvals by the Environmental Protection Agency have the force and effect of law, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 13, 2025

Mrs. MOODY (for herself and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To ensure that certain permit approvals by the Environmental Protection Agency have the force and effect of 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 “Maintaining Coopera-
5 tive Permitting Act of 2025”.

6 **SEC. 2. STATE DISCHARGE OF DREDGED OR FILL MATE-**
7 **RIAL PROGRAMS.**

8 (a) WITHDRAWAL OF APPROVAL WITHOUT CON-
9 GRESSIONAL AUTHORIZATION PROHIBITED.—

1 (1) IN GENERAL.—The permit programs de-
 2 scribed in paragraph (2) are ratified, approved, and
 3 of full force and effect, and the Administrator of the
 4 Environmental Protection Agency (referred to in
 5 this section as the “Administrator”) may not with-
 6 draw the approval of those permit programs, includ-
 7 ing through the process described in section 404(i)
 8 of the Federal Water Pollution Control Act (33
 9 U.S.C. 1344(i)), unless the withdrawal is expressly
 10 authorized by an Act of Congress enacted after the
 11 date of enactment of this Act.

12 (2) PERMIT PROGRAMS DESCRIBED.—The per-
 13 mit programs referred to in paragraph (1) are the
 14 following State permit programs for the discharge of
 15 dredged or fill material approved under section 404
 16 of the Federal Water Pollution Control Act (33
 17 U.S.C. 1344):

18 (A) The program of the State of Michigan,
 19 approved in the notice of the Environmental
 20 Protection Agency entitled “Michigan Depart-
 21 ment of Natural Resources Section 404 Permit
 22 Program Approval” (49 Fed. Reg. 38947 (Oc-
 23 tober 2, 1984)) and as described in section
 24 233.70 of title 40, Code of Federal Regulations

(including any updates to the program described in a successor Federal Register notice).

(B) The program of the State of New Jersey, approved in the final rule and notice of the Environmental Protection Agency entitled “New Jersey Department of Environmental Protection and Energy Section 404 Permit Program Approval” (59 Fed. Reg. 9933 (March 2, 1994)) and as described in section 233.71 of title 40, Code of Federal Regulations (including any updates to the program described in a successor Federal Register notice).

(C) The program of the State of Florida, as described in the notice of the Environmental Protection Agency entitled “EPA’s Approval of Florida’s Clean Water Act Section 404 Assumption Request” (85 Fed. Reg. 83553 (December 22, 2020)) (including any updates to the program described in a successor Federal Register notice), including the Programmatic Biological Opinion with Incidental Take Statement associated with the program.

(3) PROGRAM TRANSITION PERIOD.—During the 90-day period beginning on the date of enactment of this Act, the Secretary of the Army, acting

1 through the Chief of Engineers (referred to in this
 2 section as the “Secretary”), and the State of Florida
 3 may both issue permits authorized under the pro-
 4 gram described in paragraph (2)(C) into navigable
 5 waters (as described in subsection 404(g)(1) of the
 6 Federal Water Pollution Control Act (33 U.S.C.
 7 1344(g)(1))) within the jurisdiction of the State of
 8 Florida.

9 (4) APPROVAL OF COMPARABLE STATE PRO-
 10 GRAMS.—

11 (A) IN GENERAL.—If the Administrator
 12 determines that a State program submitted
 13 under subsection (g)(1) of section 404 of the
 14 Federal Water Pollution Control Act (33 U.S.C.
 15 1344) is comparable to a State program de-
 16 scribed in any of subparagraphs (A) through
 17 (C) of paragraph (2), the Administrator shall
 18 make the determination described in subsection
 19 (h)(2)(A) of that section with respect to that
 20 program.

21 (B) NOTIFICATION.—On making the deter-
 22 mination required under subparagraph (A), the
 23 Administrator shall notify the Secretary and the
 24 applicable State of that determination.

1 (C) SUSPENSION.—On notification from
2 the Administrator under subparagraph (B) and
3 from a State that the State has begun to ad-
4 minister a program approved pursuant to sub-
5 paragraph (A), the Secretary shall suspend the
6 issuance of permits under subsections (a) and
7 (e) of section 404 of the Federal Water Pollu-
8 tion Control Act (33 U.S.C. 1344) for activities
9 with respect to which a permit may be issued
10 by the State under that program.

11 (b) CLARIFICATION OF PROCESS.—Section 404(h) of
12 the Federal Water Pollution Control Act (33 U.S.C.
13 1344(h)) is amended by adding at the end the following:

14 “(6) NOT A RULE OR REGULATION.—The ap-
15 proval of a State permit program under this section
16 shall not be considered to be a rule or regulation.”.

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