



LEGISLATIVE ALERT

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PRA URGES A 'NO' VOTE ON S. 787- CLEAN WATER RESTORATION ACT

S. 787 would infringe on the rights of property owners across the nation and result in an unprecedented expansion of the regulatory authority of the federal government.

The Clean Water Restoration Act, re-introduced by Sen. Russell Feingold, seeks to re-establish the nearly unlimited powers of the Clean Water Act lost due to U.S. Supreme Court decisions in 2001 and 2006. While the bill aims to restore protection of wetlands and waterways, S. 787 mandates all waters be placed under regulatory control of the federal government, leaving property owners vulnerable to a potential federal "land grab". **PRA is concerned that S. 787 exceeds the original objective of the Clean Water Act by giving the federal government the power to regulate all interstate and intrastate waters, including non-navigable waters.**

Over the 37 year history of the Clean Water Act, confusion and uncertainty led to extensive abuse by the federal government. By using a broad reach to define what is navigable, the government was able to exert its regulatory power and, as a result, diminish property values.

This uncertainty was remedied when two U.S. Supreme Court cases clarified the scope of federal jurisdiction over wetlands and other "waters of the United States" under the Clean Water Act. The *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* (2001) and *Rapanos v. U.S.* (2006) have significantly reduced the potential for abuse under the Clean Water Act, by limiting the previously broad definition of navigable water.

Property Rights Alliance urges all members to uphold the Court's decision and oppose S. 787.