TITLE VI—DISCOURAGING FRIVOLOUS LAWSUITS

SECTION 26001. SHORT TITLE.

This title may be cited as the “Discouraging Frivolous Lawsuits Act”.

SEC. 26002. CITIZEN SUITS.

(a) COSTS OF LITIGATION.—Section 505(d) of the Federal Water Pollution Control Act (33 U.S.C. 1365(d)) is amended to read as follows:

“(d) The court, in issuing any final order in any action brought pursuant to this section, shall award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing party. For purposes of this subsection, the prevailing party shall be considered to be the party, if any, that prevails on more than half of the claims at issue in the action. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.”.
(b) Restriction on Certain Settlements.—Section 505(c) of the Federal Water Pollution Control Act (33 U.S.C. 1365(c)) is amended by adding at the end the following:

“(4) Restriction on Certain Orders and Settlements.—A Federal court may not order, or approve a settlement requiring, in an action brought pursuant to this section, a governmental entity to carry out, or otherwise provide for, compensatory mitigation with respect to a permit applied for by, or issued to, the entity under section 404 in excess of the requirements for such mitigation under parts 320, 323, 325, and 332 of title 33, Code of Federal Regulations, and part 230 of title 40, Code of Federal Regulations.”.

SEC. 26003. ELIMINATING DUPLICATIVE OVERSIGHT.

(a) In General.—Section 404(c) of the Federal Water Pollution Control Act (33 U.S.C. 1344(c)) is repealed.

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

(1) by striking “Subject to subsection (c) of this section, each such disposal site” and inserting “Each such disposal site”; and
(2) by striking “the Administrator, in conjunction with”.

SEC. 26004. PROHIBITION ON EXCESS MITIGATION.

Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by adding at the end the following:

“(u) No governmental entity may carry out, or otherwise provide for, compensatory mitigation, with respect to a permit issued to the entity under this section, in excess of the requirements for such mitigation under parts 320, 323, 325, and 332 of title 33, Code of Federal Regulations, and part 230 of title 40, Code of Federal Regulations.”.