

119TH CONGRESS  
1ST SESSION

# S. 2421

To amend the Federal Water Pollution Control Act to provide exclusions from the term “navigable waters”, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 23, 2025

Ms. ERNST (for herself, Mr. RISCH, Mr. MARSHALL, Mr. CRAPO, Mr. TILLIS, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Federal Water Pollution Control Act to provide exclusions from the term “navigable waters”, 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 “Clarifying Legal Exclu-  
5 sions Around Regulated Waters Act” or the “CLEAR  
6 Waters Act”.

7 **SEC. 2. DEFINITION OF NAVIGABLE WATERS.**

8 Section 502(7) of the Federal Water Pollution Con-  
9 trol Act (33 U.S.C. 1362(7)) is amended—

(1) by striking “(7) The term” and inserting  
the following:

“(7) NAVIGABLE WATERS.—

“(A) IN GENERAL.—The term”; and

(2) by adding at the end the following:

“(B) EXCLUSIONS.—The term ‘navigable  
waters’ does not include any of the following:

“(i) Any component of a waste treat-  
ment system, including any lagoon or  
treatment pond (such as a settling or cool-  
ing pond), designed to actively or pas-  
sively—

“(I) convey or retain wastewater;

or

“(II) concentrate, settle, reduce,  
or remove pollutants from wastewater.

“(ii) Ephemeral features that flow  
only in direct response to precipitation.

“(iii) Groundwater.

“(iv) Any other features determined  
to be excluded by the Administrator and  
the Secretary of the Army, acting through  
the Chief of Engineers.”.

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