

119TH CONGRESS
1ST SESSION

S. 795

To amend the Federal Water Pollution Control Act to exclude prior converted cropland from the definition of “navigable waters”, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2025

Mr. ROUNDS (for himself, Mr. BARRASSO, Mr. THUNE, Mr. HOEVEN, and Mr. MARSHALL) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Water Pollution Control Act to exclude prior converted cropland from the definition of “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 “Farmers Freedom Act
5 of 2025”.

6 **SEC. 2. PRIOR CONVERTED CROPLAND.**

7 (a) IN GENERAL.—Section 502 of the Federal Water
8 Pollution Control Act (33 U.S.C. 1362) is amended by
9 striking paragraph (7) and inserting the following:

1 “(7) NAVIGABLE WATERS.—

2 “(A) IN GENERAL.—The term ‘navigable
3 waters’ means the waters of the United States,
4 including the territorial seas.

5 “(B) EXCLUSION.—The term ‘navigable
6 waters’ does not include prior converted crop-
7 land.

8 “(C) ASSOCIATED DEFINITIONS.—For pur-
9 poses of this paragraph:

10 “(i) ABANDONED.—The term ‘aban-
11 doned’, with respect to an area that was
12 prior converted cropland, means that the
13 area was not used for, or in support of, ag-
14 ricultural purposes at least once in the im-
15 mediately preceding 5-year period, as de-
16 termined by the Administrator.

17 “(ii) AGRICULTURAL PURPOSE.—The
18 term ‘agricultural purpose’ includes land
19 use that makes the production of an agri-
20 cultural product possible, including—

21 “(I) grazing and haying;

22 “(II) idling land for conservation
23 use, such as habitat management, pol-
24 linator and wildlife management,

1 water storage and supply manage-
 2 ment, and flood management;

3 “(III) irrigation tailwater stor-
 4 age;

5 “(IV) farm-raised fish produc-
 6 tion;

7 “(V) cranberry bogs;

8 “(VI) nutrient retention; and

9 “(VII) idling land for soil recov-
 10 ery after natural disasters such as
 11 hurricanes and drought.

12 “(iii) PRIOR CONVERTED CROP-
 13 LAND.—

14 “(I) IN GENERAL.—The term
 15 ‘prior converted cropland’ means any
 16 area that, prior to December 23,
 17 1985, was drained or otherwise ma-
 18 nipulated for the purpose, or having
 19 the effect, of making production of an
 20 agricultural product possible, includ-
 21 ing such areas that are designated as
 22 prior converted cropland by the Sec-
 23 retary of Agriculture.

24 “(II) EXCLUSION.—The term
 25 ‘prior converted cropland’ does not in-

1 clude an area that is abandoned and
2 has reverted to wetlands.

3 “(iv) WETLANDS.—The term ‘wet-
4 lands’ means an area that is inundated or
5 saturated by surface or ground water at a
6 frequency and duration sufficient to sup-
7 port, and that under normal circumstances
8 do support, a prevalence of vegetation typi-
9 cally adapted for life in saturated soil con-
10 ditions, including swamps, marshes, bogs,
11 and similar areas.”.

12 (b) PROHIBITION ON CHANGE IN USE POLICY.—In
13 carrying out the amendments made by this section, the
14 Administrator of the Environmental Protection Agency
15 and the Secretary of the Army, acting through the Chief
16 of Engineers, may not, with respect to prior converted
17 cropland, carry out the change in use policy described in
18 the final rule of the Environmental Protection Agency and
19 the Corps of Engineers entitled “Revised Definition of
20 ‘Waters of the United States’” (88 Fed. Reg. 3004 (Janu-
21 ary 18, 2023)) or a substantially similar policy.

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