

Union Calendar No. 37

119TH CONGRESS
1ST SESSION

H. R. 331

[Report No. 119–60]

To amend the Aquifer Recharge Flexibility Act to clarify a provision relating to conveyances for aquifer recharge purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2025

Mr. FULCHER (for himself and Mr. SIMPSON) introduced the following bill;
which was referred to the Committee on Natural Resources

APRIL 17, 2025

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on January 13, 2025]

A BILL

To amend the Aquifer Recharge Flexibility Act to clarify a provision relating to conveyances for aquifer recharge 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. CONVEYANCE FOR AQUIFER RECHARGE PUR-**
 4 **POSES.**

5 *(a) IN GENERAL.—Subsection (c)(3) of the Aquifer Re-*
 6 *charge Flexibility Act (43 U.S.C. 390g–9) is amended—*

7 *(1) by striking “The holder” and inserting the*
 8 *following:*

9 *“(A) IN GENERAL.—The holder”;*

10 *(2) in subparagraph (A) (as so designated), by*
 11 *striking “may transport water for aquifer recharge*
 12 *purposes without requiring additional authorization*
 13 *from the Secretary where the use does not expand or*
 14 *modify the operation” and inserting “may, acting for*
 15 *the holder or on behalf of a State, political subdivi-*
 16 *sion of a State, Indian Tribe, or public entity and*
 17 *subject to subparagraphs (B) and (C), use the existing*
 18 *right-of-way, easement, permit, or other authorization*
 19 *for the purpose of aquifer recharge and the transport*
 20 *and use of water rights for aquifer recharge without*
 21 *requiring additional authorization from the Sec-*
 22 *retary, which use shall not be considered an expan-*
 23 *sion, modification, or substantial deviation”;* and

24 *(3) by adding at the end the following:*

25 *“(B) NOTICE REQUIRED.—*

1 “(i) *IN GENERAL.*—Not less than 30
2 days before using an existing right-of-way,
3 easement, permit, or other authorization for
4 the purpose of aquifer recharge under sub-
5 paragraph (A), the holder of the right-of-
6 way, easement, permit, or other authoriza-
7 tion shall submit to the Bureau of Land
8 Management notice of the intended use, in
9 accordance with clause (ii).

10 “(ii) *REQUIREMENTS.*—A notice sub-
11 mitted under clause (i) shall—

12 “(I) identify the State, political
13 subdivision of the State, Indian Tribe,
14 or public entity intending to use the
15 existing right-of-way, easement, per-
16 mit, or other authorization for the pur-
17 pose of aquifer recharge;

18 “(II) identify the existing right-of-
19 way, easement, permit, other author-
20 ization, or recognized authorized use
21 for ditches and canals constructed on
22 public land before or on October 21,
23 1976, under the authority of sections
24 2339 and 2340 of the Revised Statutes
25 (43 U.S.C. 661) intended to be used;

1 “(III) provide details on the in-
 2 tended use and scope of use for the
 3 purpose of aquifer recharge of the exist-
 4 ing right-of-way, easement, permit, or
 5 other authorization; and

6 “(IV) provide a copy of the agree-
 7 ment between the State, political sub-
 8 division of the State, Indian Tribe, or
 9 public entity and the holder of the
 10 right-of-way, easement, permit, or
 11 other authorization to use the existing
 12 right-of-way, easement, permit, or
 13 other authorization for the purpose of
 14 aquifer recharge.”.

15 (b) *EFFECT.*—Subsection (c)(4) of the Aquifer Re-
 16 charge Flexibility Act (43 U.S.C. 390g–9) is amended—

17 (1) by striking “Act creates” and inserting “sec-
 18 tion—

19 “(A) creates”;

20 (2) in subparagraph (A) (as so designated), by
 21 striking the period at the end and inserting a semi-
 22 colon; and

23 (3) by adding at the end of the following:

24 “(B) waives the obligation of the holder of
 25 a right-of-way, easement, permit, or other au-

1 *thorization described in paragraph (3)(A) to*
2 *comply with all applicable—*

3 *“(i) Federal laws; and*

4 *“(ii) policies of the Bureau; or*

5 *“(C) provides authority to construct, mod-*
6 *ify, or expand any existing infrastructure cov-*
7 *ered under subsection (c)(3).”.*

8 *(c) TECHNICAL AMENDMENTS.—The Aquifer Recharge*
9 *Flexibility Act (43 U.S.C. 390g–9) is amended in each of*
10 *subsections (a) and (c)(5) by striking “Act” each place it*
11 *appears and inserting “section”.*

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