AMENDMENT NO._____ Calendar No._____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 1254

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. LEE

Viz:

Strike all after the enacting clause and insert the following:

SECTION 1. CONVEYANCE FOR AQUIFER RECHARGE PURPOSES.

(a) IN GENERAL.—Subsection (c)(3) of the Aquifer Recharge Flexibility Act (43 U.S.C. 390g–9) is amended—

(1) by striking ''The holder'' and inserting the following:

''(A) IN GENERAL.—The holder'';

(2) in subparagraph (A) (as so designated), by striking ''may transport water for aquifer recharge purposes without requiring additional authorization from the Secretary where the use does not expand or modify the operation'' and inserting ''may, acting for the holder or on behalf of a State, political subdivision of a State, Indian Tribe, or public entity and subject to subparagraphs (B) and (C), use the existing right-of-way, easement, permit, or other authorization for the purpose of aquifer recharge and the transport and use of water rights for aquifer recharge without requiring additional authorization from the Secretary, which use shall not be considered an expansion, modification, or substantial deviation''; and

(3) by adding at the end the following:

''(B) NOTICE REQUIRED.—

''(i) IN GENERAL.—Not less than 30 days before using an existing right-of-way, easement, permit, or other authorization for the purpose of aquifer recharge under subparagraph (A), the holder of the right-of-way, easement, permit, or other authorization shall submit to the Bureau of Land

Management notice of the intended use, in accordance with clause (ii).

''(ii) REQUIREMENTS.—A notice submitted under clause (i) shall—

''(I) identify the State, political subdivision of the State, Indian Tribe, or public entity intending to use the existing right-of-way, easement, permit, or other authorization for the purpose of aquifer recharge;

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

''(III) provide details on the intended use and scope of use for the purpose of aquifer recharge of the existing right-of-way, easement, permit, or other authorization; and

''(IV) provide a copy of the agreement between the State, political subdivision of the State, Indian Tribe, or public entity and the holder of the right-of-way, easement, permit, or other authorization to use the existing right-of-way, easement, permit, or other authorization for the purpose of aquifer recharge.''.

(b) EFFECT.—Subsection (c)(4) of the Aquifer Recharge Flexibility Act (43 U.S.C. 390g–9) is amended—

(1) by striking ''Act creates'' and inserting ''section—

''(A) creates'';

(2) in subparagraph (A) (as so designated), by striking the period at the end and inserting a semicolon; and

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

''(B) waives the obligation of the holder of a right-of-way, easement, permit, or other authorization described in paragraph (3)(A) to comply with all applicable—

''(i) Federal laws; and

''(ii) policies of the Bureau; or

"(C) provides authority to construct, modify, or expand any existing infrastructure covered under subsection (c)(3).".

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