

110TH CONGRESS  
1ST SESSION

# H. R. 2088

To require the Secretary of Agriculture to provide cost-share payments in support of on-farm water conservation projects to enhance regional water availability and quality.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2007

Mr. EVERETT (for himself, Mr. BONNER, Mr. ROGERS of Alabama, Mr. ADERHOLT, and Mr. MARSHALL) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To require the Secretary of Agriculture to provide cost-share payments in support of on-farm water conservation projects to enhance regional water availability and quality.

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. DEPARTMENT OF AGRICULTURE WATER EN-**  
4 **HANCEMENT PROGRAM.**

5 (a) AVAILABILITY OF COST-SHARE PAYMENTS.—The  
6 Secretary of Agriculture shall assist regional efforts to en-  
7 hance regional water availability and quality for farm op-  
8 erations and other uses by providing cost-share payments

1 to agricultural producers to carry out water conservation  
2 projects on farms involving the construction, improvement,  
3 or maintenance of irrigation ponds and the implementa-  
4 tion of other measures that improve groundwater and sur-  
5 face water conservation, as determined by the Secretary,  
6 in the agricultural operations of producers.

7 (b) PROJECT ELIGIBILITY.—

8 (1) PRIORITY FOR IRRIGATION COST-EFFEC-  
9 TIVENESS.—If the Secretary determines that two or  
10 more applications for cost-share assistance for  
11 projects are comparable in achieving the conserva-  
12 tion purposes of this section, the Secretary shall as-  
13 sign a higher priority to those projects having the  
14 lowest total cost to irrigate each acre of land in-  
15 volved in the project.

16 (2) PRIORITY FOR CONTROL OF SURFACE-  
17 WATER RUNOFF.—The Secretary shall assign a  
18 higher priority to projects that would capture sur-  
19 face-water runoff on farms through the construction,  
20 improvement, or maintenance of irrigation ponds.  
21 However, the Secretary may not preclude a project  
22 simply because the project involves an irrigation  
23 pond filled from a different water source.

24 (3) APPROVAL.—The actual site of a project for  
25 which cost-share assistance will be provided under

1 this section is subject to the approval of the Sec-  
2 retary, acting through the Natural Resources Con-  
3 servation Service.

4 (c) RELATION TO ENVIRONMENTAL QUALITY INCEN-  
5 TIVES PROGRAM.—The Secretary shall administer the  
6 water enhancement program as part of the environmental  
7 quality incentives program. Subject to subsection (b)(1),  
8 all of the criteria of the environmental quality incentives  
9 program shall be used in evaluating applications for cost-  
10 share payments under this section, including the environ-  
11 mental benefits index criteria.

12 (d) LIMITATIONS ON AMOUNT OF ASSISTANCE.—

13 (1) FEDERAL SHARE.—Payments made under  
14 this section to carry out a water conservation project  
15 shall not exceed 50 percent of the cost of the  
16 project.

17 (2) MAXIMUM AMOUNT OF ASSISTANCE.—The  
18 limitation on assistance contained in section 1240G  
19 of the Food Security Act of 1985 (16 U.S.C.  
20 3839aa-7) shall apply to payments made under this  
21 section, and any payments received by an individual  
22 or entity under this section shall be considered to be  
23 payments received under the environmental quality  
24 incentives program for purposes of such section  
25 1240G.

1           (e) **CONDITION ON RECEIPT OF ASSISTANCE.**—As a  
2 condition on the receipt of assistance under this section,  
3 the producer shall agree to maintain the land to be served  
4 by the project in agricultural production during not less  
5 than the five-year period beginning on the date of the com-  
6 pletion of the project.

7           (f) **EFFECT OF VIOLATION.**—If the Secretary deter-  
8 mines, on the record after an opportunity for a hearing,  
9 that a producer has failed to comply with the condition  
10 imposed by subsection (e) or such other terms and condi-  
11 tions as the Secretary may require in connection with the  
12 provision of assistance under this section, the producer  
13 shall repay to the Secretary an amount, to be determined  
14 by the Secretary, not to exceed the total amount of assist-  
15 ance provided for the project. The actual repayment  
16 amount shall be based on the severity and duration of the  
17 violation.

18           (g) **PARTICIPATION IN OTHER CONSERVATION PRO-**  
19 **GRAMS.**—The receipt of assistance under this section does  
20 not preclude participation by the recipient in other con-  
21 servation programs of the Department of Agriculture.

22           (h) **FUNDING.**—The Secretary shall use the funds of  
23 the Commodity Credit Corporation to carry out this sec-  
24 tion in the amount of \$1,000,000,000 during the five-fis-  
25 cal year period beginning on October 1, 2007, and ending

1 on September 30, 2012. Such funds are in addition to,  
2 and separate from, funds made available for the environ-  
3 mental quality incentives program.

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