

110TH CONGRESS
1ST SESSION

S. 1962

To amend the Food Security Act of 1985 to authorize a regional water enhancement program in the environmental quality incentives program.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2007

Mr. SESSIONS introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Food Security Act of 1985 to authorize a regional water enhancement program in the environmental quality incentives program.

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 “Regional Ground and
5 Surface Water Enhancement Program Act of 2007”.

6 **SEC. 2. PURPOSE AND GOALS.**

7 (a) PURPOSE.—The purpose of this Act is to author-
8 ize a regional water enhancement program, within the en-
9 vironmental quality incentives program, to enhance per-
10 formance-based, cost-effective conservation carried out

1 through cooperative agreements entered into by the Sec-
 2 retary of Agriculture with producers, governmental enti-
 3 ties, and Indian tribes.

4 (b) GOAL.—

5 (1) IN GENERAL.—The goal of the regional
 6 water enhancement program is to improve water
 7 quality or ground and surface water quantity
 8 through coordinated program activities on agricul-
 9 tural land.

10 (2) SECRETARIAL RESPONSIBILITY.—The Sec-
 11 retary shall develop goals and provide coordinated
 12 program assistance for water quality or water quan-
 13 tity improvement projects.

14 **SEC. 3. REGIONAL GROUND AND SURFACE WATER EN-**
 15 **HANCEMENT PROGRAM.**

16 Section 1240I of the Food Security Act of 1985 (16
 17 U.S.C. 3839aa–9) is amended to read as follows:

18 **“SEC. 1240I. REGIONAL GROUND AND SURFACE WATER EN-**
 19 **HANCEMENT PROGRAM.**

20 “(a) DEFINITIONS.—In this section:

21 “(1) REGIONAL WATER ENHANCEMENT ACTIV-
 22 ITY.—The term ‘regional water enhancement activ-
 23 ity’ means an activity that improves water quality or
 24 ground and surface water quantity, including—

1 “(A) resource condition assessment and
2 modeling;

3 “(B) water quality, water quantity, or
4 water conservation plan development;

5 “(C) management system and environ-
6 mental monitoring and evaluation;

7 “(D) the provision of a cost-share for a
8 restoration or enhancement project;

9 “(E) the provision of an incentive payment
10 for land management practices;

11 “(F) the execution of a conservation con-
12 tract with a landowner;

13 “(G) the improvement of an irrigation sys-
14 tem;

15 “(H) water banking and other forms of
16 water transactions;

17 “(I) groundwater recharge; and

18 “(J) other conservation-related activities
19 that the Secretary determines would help to
20 achieve the water quality or water quantity ben-
21 efits on agricultural land identified in a part-
22 nership agreement.

23 “(2) PARTNERSHIP AGREEMENT.—The term
24 ‘partnership agreement’ means an agreement be-

1 tween the Secretary and a partner under subsection
2 (d).

3 “(3) PARTNER.—

4 “(A) IN GENERAL.—The term ‘partner’
5 means an entity that enters into a partnership
6 agreement with the Secretary to carry out re-
7 gional water enhancement activities.

8 “(B) INCLUSIONS.—The term includes—

9 “(i) an agricultural producer, agricul-
10 tural or silvicultural producer association,
11 or other group of such producers;

12 “(ii) a State or unit of local govern-
13 ment; or

14 “(iii) a federally recognized Indian
15 tribe.

16 “(b) ESTABLISHMENT OF PROGRAM.—

17 “(1) IDENTIFICATION OF WATER QUALITY AND
18 WATER QUANTITY PRIORITY AREAS.—The Secretary
19 shall identify areas in which protecting or improving
20 water quality or water quantity, or both, is a pri-
21 ority.

22 “(2) ESTABLISHMENT.—The Secretary shall es-
23 tablish a regional water enhancement program in ac-
24 cordance with this section to improve water quality
25 or water quantity on a regional scale to benefit

1 working agricultural land and other land sur-
2 rounding agricultural land.

3 “(3) IMPLEMENTATION.—The Secretary, acting
4 through the Chief of the Natural Resources Con-
5 servaion Service, shall carry out the program estab-
6 lished under paragraph (2).

7 “(c) SELECTION OF PARTNERS.—

8 “(1) SOLICITATION OF PARTNERSHIP PRO-
9 POSALS.—Not later than 90 days after the date of
10 the enactment of the Regional Ground and Surface
11 Water Enhancement Program Act of 2007, the Sec-
12 retary shall invite prospective partners to submit
13 competitive grant proposals for regional water en-
14 hancement partnerships.

15 “(2) ELEMENTS.—To be eligible for consider-
16 ation for participation in the program, a proposal
17 submitted by a partner shall include—

18 “(A) identification of the exact geo-
19 graphical area for which the partnership is pro-
20 posed, which may be based on—

21 “(i) a watershed (or portion of a wa-
22 tershed);

23 “(ii) an irrigation, water, or drainage
24 district, including a service area; or

1 “(iii) any other geographical area with
2 characteristics that make the area suitable
3 for landscape-wide program implementa-
4 tion, as determined by the Secretary;

5 “(B) identification of the water quality or
6 water quantity issues that are of concern in the
7 area;

8 “(C) a method for determining a baseline
9 assessment of water quality, water quantity,
10 and other resource conditions in the region;

11 “(D) a detailed description of the proposed
12 regional water enhancement activities to be un-
13 dertaken in the area, including an estimated
14 timeline and budget for each activity;

15 “(E) a description of the performance
16 measures to be used to gauge the effectiveness
17 of the regional water enhancement activities;

18 “(F) a description of other regional water
19 enhancement activities carried out by the Sec-
20 retary; and

21 “(G) a description of regional water en-
22 hancement activities carried out by partners
23 through other means.

1 “(3) SELECTION OF PROPOSALS.—The Sec-
2 retary shall award grants competitively, based on the
3 following criteria, as determined by the Secretary:

4 “(A) The extent to which the proposed
5 project would result in the inclusion of the
6 highest percentage of agricultural land in the
7 area.

8 “(B) The extent to which the proposed
9 project would result in the highest percentage
10 of on-the-ground activities as compared to ad-
11 ministrative costs.

12 “(C) The extent to which the proposed
13 project would provide the greatest contribution
14 to sustaining or enhancing agricultural produc-
15 tion in the area or rural economic development.

16 “(D) The extent to which the proposed
17 project includes performance measures that
18 would allow post-activity conditions to be satis-
19 factorily measured to gauge overall effective-
20 ness.

21 “(E) The extent to which the proposed
22 project would increase water availability for irri-
23 gated assisted rain-fed systems to improve land
24 use efficiency, reduce unused applied nitrogen

1 in the soil, and increase pesticide and herbicide
2 application efficiency and energy efficiency.

3 “(F) The extent to which the proposed
4 project would store surface water runoff or re-
5 chargeable groundwater for use during the agri-
6 cultural growing season through the construc-
7 tion, improvement, or maintenance of irrigation
8 ponds, including associated water transport in-
9 frastructure to and from the ponds.

10 “(4) PRIORITY.—The Secretary shall give pri-
11 ority to proposals that, as determined by the Sec-
12 retary, would facilitate a conservation measure that
13 would result in a net savings in groundwater or sur-
14 face water in the agricultural operation of a pro-
15 ducer.

16 “(5) REQUIREMENT.—The requirements of the
17 environmental quality incentives program shall apply
18 to regional water enhancement activities carried out
19 under this section, as determined by the Secretary.

20 “(6) DURATION.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graph (B), a grant under this subsection shall
23 be made on a multiyear basis, not to exceed a
24 total of 5 years.

1 “(B) EARLY TERMINATION.—The Sec-
 2 retary may terminate a grant earlier than the
 3 term determined under subparagraph (A) if the
 4 Secretary determines that the performance
 5 measures for the grant are not being met.

6 “(d) PARTNERSHIP AGREEMENTS.—

7 “(1) IN GENERAL.—Not later than 30 days
 8 after the date on which a partner receives a grant
 9 under subsection (c), the Secretary shall enter into
 10 a partnership agreement with the grant recipient.

11 “(2) REQUIREMENTS.—At a minimum, a part-
 12 nership agreement shall contain—

13 “(A) a description of the respective duties
 14 and responsibilities of the Secretary and the
 15 partner in carrying out regional water enhance-
 16 ment activities; and

17 “(B) the criteria that the Secretary will
 18 use to measure the overall effectiveness of the
 19 regional water enhancement activities funded by
 20 the grant in improving the water quality or
 21 quantity conditions of the region relative to the
 22 performance measures in the grant proposal.

23 “(3) ACCEPTANCE OF CONTRIBUTIONS.—The
 24 Secretary may accept and use contributions of non-

1 Federal funds to carry out the program under this
2 section.

3 “(e) MODIFICATION OF SECRETARIAL AUTHORITY.—

4 To the extent that the Secretary will be carrying out re-
5 gional water enhancement activities in an area, the Sec-
6 retary may use the general authorities provided in this
7 subtitle to ensure that all producers and landowners in
8 the region have the opportunity to participate in the re-
9 gional water enhancement activities.

10 “(f) RELATIONSHIP WITH OTHER PROGRAMS.—The

11 Secretary shall ensure that, to the extent producers and
12 landowners are individually participating in other pro-
13 grams under this subtitle in a region in which the regional
14 water enhancement program is in effect, any improve-
15 ments to water quality or water quantity attributable to
16 the individual participation are included in the evaluation
17 criteria developed under subparagraph (d)(2)(B).

18 “(g) CONSISTENCY WITH STATE LAW.—Any regional

19 water enhancement activity conducted under this section
20 shall be consistent with State water laws.

21 “(h) FUNDING.—

22 “(1) AVAILABILITY OF FUNDS.—In addition to

23 funds made available to carry out this chapter under
24 section 1241(a)(6), of the funds of the Commodity
25 Credit Corporation, the Secretary shall use, to the

1 maximum extent practicable, to carry out this sec-
2 tion \$100,000,000 for each of fiscal years 2008
3 through 2012, to remain available until expended.

4 “(2) LIMITATION ON ADMINISTRATIVE EX-
5 PENSES.—Not more than 3 percent of the funds
6 made available under paragraph (1) for a fiscal year
7 may be used for administrative expenses of the Sec-
8 retary.”.

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