

109TH CONGRESS
2D SESSION

H. R. 6331

To amend the environmental quality incentives program of the Department of Agriculture to authorize the Secretary of Agriculture to provide assistance to active agricultural producers for the construction of reservoirs as part of their agricultural operations for the storage of water, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2006

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

A BILL

To amend the environmental quality incentives program of the Department of Agriculture to authorize the Secretary of Agriculture to provide assistance to active agricultural producers for the construction of reservoirs as part of their agricultural operations for the storage of water, 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,*

1 **SECTION 1. GROUND AND SURFACE WATER CONSERVA-**
2 **TION ASSISTANCE UNDER ENVIRONMENTAL**
3 **QUALITY INCENTIVES PROGRAM.**

4 (a) ASSISTANCE FOR CONSTRUCTION OF WATER
5 RESERVOIRS.—Subsection (a)(4) of section 1240I of the
6 Food Security Act of 1985 (16 U.S.C. 3839aa–9) is
7 amended by striking “water banking” inserting “the con-
8 struction of reservoirs to be used for water storage in agri-
9 cultural operations, water banking.”.

10 (b) SPECIAL RULES FOR PROVISION OF ASSIST-
11 ANCE.—Such section is further amended—

12 (1) by redesignating subsection (c) as sub-
13 section (d); and

14 (2) by inserting after subsection (b) the fol-
15 lowing new subsection:

16 “(c) SPECIAL RULES FOR ASSISTANCE FOR RES-
17 ERVOIR CONSTRUCTION.—

18 “(1) WAIVER OF IRRIGATION REQUIRE-
19 MENTS.—The Secretary may not require, as a pre-
20 condition for making cost-sharing or incentive pay-
21 ments available to a producer under this section for
22 the construction of a water reservoir, that the agri-
23 cultural operations of the producer utilize irrigation
24 in the production of a commodity.

25 “(2) MAXIMUM AMOUNT OF ASSISTANCE.—In
26 making cost-sharing or incentive payments to a pro-

1 ducer under this section for the construction of a
2 water reservoir, the Secretary may not pay more
3 than 50 percent of the cost of constructing the res-
4 ervoir.

5 “(3) CONSIDERATIONS OF COST-EFFECTIVE-
6 NESS.—If the Secretary determines that two or
7 more applications for assistance for the construction
8 of a water reservoir are comparable in achieving the
9 conservation purposes of this section, the Secretary
10 shall assign a higher priority to those applications
11 for reservoir construction projects that would be the
12 most cost-effective in achieving the conservation pur-
13 poses of this section. In determining the cost-effic-
14 tiveness of a proposed project, the Secretary shall
15 consider both the cost per square foot acre of water
16 and the cost per acre of irrigated land.

17 “(4) REQUIRED USE IN AGRICULTURAL OPER-
18 ATIONS.—As a condition on the receipt of assistance
19 under this section for the construction of a water
20 reservoir, the producer shall agree to maintain the
21 lands to be served by the reservoir in agricultural
22 production for at least five years after the date of
23 completion of the reservoir.

24 “(5) REPAYMENT.—If the Secretary deter-
25 mines, on the record after an opportunity for a hear-

1 ing, that a producer has failed to comply with the
2 agreement required by paragraph (4), the Secretary
3 shall require the producer to repay to the Secretary
4 all or a part of the assistance provided for the con-
5 struction of the reservoir. The repayment amount re-
6 quired shall be based on the severity and duration
7 of the violation.”.

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