

(1) by controlling erosion and reducing sediment and nutrient levels in ground and surface water; and

(2) by planning, designing, implementing, and evaluating habitat conservation, restoration, and enhancement measures where there is significant ecological value if the lands are—

- (A) retained in their current use; or
- (B) restored to their natural condition.

**(d) Agreements**

**(1) In general**

The Secretary shall—

- (A) enter into agreements with producers to carry out the purposes of this section; and
- (B) use the funds made available to carry out this section to cover the costs of the program involved with each agreement.

**(2) Special considerations**

In entering into agreements under this subsection, the Secretary shall give special consideration to, and begin evaluating, applications with producers in the following river basins:

- (A) The Susquehanna River.
- (B) The Shenandoah River.
- (C) The Potomac River (including North and South Potomac).
- (D) The Patuxent River.

**(e) Duties of the Secretary**

In carrying out the purposes in this section, the Secretary shall—

- (1) where available, use existing plans, models, and assessments to assist producers in implementing conservation activities; and
- (2) proceed expeditiously with the implementation of any agreement with a producer that is consistent with State strategies for the restoration of the Chesapeake Bay watershed.

**(f) Consultation**

The Secretary, in consultation with appropriate Federal agencies, shall ensure conservation activities carried out under this section complement Federal and State programs, including programs that address water quality, in the Chesapeake Bay watershed.

**(g) Sense of Congress regarding Chesapeake Bay Executive Council**

It is the sense of Congress that the Secretary should be a member of the Chesapeake Bay Executive Council, and is authorized to do so under section 590a(3) of this title.

**(h) Funding**

**(1) Availability**

Of the funds of the Commodity Credit Corporation, the Secretary shall use, to the maximum extent practicable—

- (A) \$23,000,000 for fiscal year 2009;
- (B) \$43,000,000 for fiscal year 2010;
- (C) \$72,000,000 for fiscal year 2011; and
- (D) \$50,000,000 for fiscal year 2012.

**(2) Duration of availability**

Funds made available under paragraph (1) shall remain available until expended.

(Pub. L. 99-198, title XII, §1240Q, as added Pub. L. 110-234, title II, §2605, May 22, 2008, 122 Stat.

1069, and Pub. L. 110-246, §4(a), title II, §2605, June 18, 2008, 122 Stat. 1664, 1797.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.

**§ 3839bb-5. Voluntary public access and habitat incentive program**

**(a) Establishment**

The Secretary shall establish a voluntary public access program under which States and tribal governments may apply for grants to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make that land available for access by the public for wild-life-dependent recreation, including hunting or fishing under programs administered by the States and tribal governments.

**(b) Applications**

In submitting applications for a grant under the program, a State or tribal government shall describe—

- (1) the benefits that the State or tribal government intends to achieve by encouraging public access to private farm and ranch land for—
  - (A) hunting and fishing; and
  - (B) to the maximum extent practicable, other recreational purposes; and
- (2) the methods that will be used to achieve those benefits.

**(c) Priority**

In approving applications and awarding grants under the program, the Secretary shall give priority to States and tribal governments that propose—

- (1) to maximize participation by offering a program the terms of which are likely to meet with widespread acceptance among land-owners;
- (2) to ensure that land enrolled under the State or tribal government program has appropriate wildlife habitat;
- (3) to strengthen wildlife habitat improvement efforts on land enrolled in a special conservation reserve enhancement program described in section 3834(f)(4) of this title by providing incentives to increase public hunting and other recreational access on that land;
- (4) to use additional Federal, State, tribal government, or private resources in carrying out the program; and
- (5) to make available to the public the location of land enrolled.

**(d) Relationship to other laws**

**(1) No preemption**

Nothing in this section preempts a State or tribal government law, including any State or tribal government liability law.

**(2) Effect of inconsistent opening dates for migratory bird hunting**

The Secretary shall reduce by 25 percent the amount of a grant otherwise determined for a State under the program if the opening dates for migratory bird hunting in the State are not consistent for residents and non-residents.

**(e) Regulations**

The Secretary shall promulgate such regulations as are necessary to carry out this section.

**(f) Funding**

Of the funds of the Commodity Credit Corporation, the Secretary shall use, to the maximum extent practicable, \$50,000,000 for the period of fiscal years 2009 through 2012.

(Pub. L. 99-198, title XII, §1240R, as added Pub. L. 110-234, title II, §2606, May 22, 2008, 122 Stat. 1070, and Pub. L. 110-246, §4(a), title II, §2606, June 18, 2008, 122 Stat. 1664, 1798.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.

SUBCHAPTER V—FUNDING AND ADMINISTRATION

CODIFICATION

Subtitle E of title XII of the Food Security Act, comprising this subchapter, was originally enacted by Pub. L. 99-198, title XII, Dec. 23, 1985, 99 Stat. 1514, and amended by Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3359; Pub. L. 102-237, Dec. 13, 1991, 105 Stat. 1818; Pub. L. 102-552, Oct. 28, 1992, 106 Stat. 4102; and Pub. L. 104-66, Dec. 21, 1995, 109 Stat. 707. Subtitle E was shown herein, however, as having been added by Pub. L. 104-127, title III, §341, Apr. 4, 1996, 110 Stat. 1007, without reference to the intervening amendments because of the extensive revision of the subtitle's provisions by Pub. L. 104-127. Subsequently, subtitle E was amended by Pub. L. 107-171 to add new sections 3841, 3842, and 3844 and to repeal former sections 3841 and 3842.

**§ 3841. Commodity Credit Corporation**

**(a) In general**

For each of fiscal years 2002 through 2012 (and fiscal year 2014 in the case of the programs specified in paragraphs (3)(B), (4), (6), and (7)), the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out the following programs under subchapter IV (including the provision of technical assistance):

(1) The conservation reserve program under subpart B of part I, including to the maximum extent practicable—

(A) \$100,000,000 for the period of fiscal years 2009 through 2012 to provide cost share payments under paragraph (3) of section 3834(b) of this title in connection with thinning activities conducted on land described in subparagraph (A)(iii) of such paragraph; and

(B) \$25,000,000 for the period of fiscal years 2009 through 2012 to carry out section 3835(f)

of this title to facilitate the transfer of land subject to contracts from retired or retiring owners and operators to beginning farmers or ranchers and socially disadvantaged farmers or ranchers.

(2) The wetlands reserve program under subpart C of part I.

(3)(A) CONSERVATION SECURITY PROGRAM.—The conservation security program under subpart A of part II, using such sums as are necessary to administer contracts entered into before September 30, 2008.

(B) CONSERVATION STEWARDSHIP PROGRAM.—The conservation stewardship program under subpart B of part II.

(4) The farmland protection program under subpart C of part II, using, to the maximum extent practicable—

(A) \$97,000,000 in fiscal year 2008;

(B) \$121,000,000 in fiscal year 2009;

(C) \$150,000,000 in fiscal year 2010;

(D) \$175,000,000 in fiscal year 2011; and

(E) \$200,000,000 in each of fiscal years 2012 through 2014.

(5) The grassland reserve program under subpart D of part II.

(6) The environmental quality incentives program under part IV, using, to the maximum extent practicable—

(A) \$1,200,000,000 in fiscal year 2008;

(B) \$1,337,000,000 in fiscal year 2009;

(C) \$1,450,000,000 in fiscal year 2010;

(D) \$1,588,000,000 in fiscal year 2011; and

(E) \$1,750,000,000 in each of fiscal years 2012 through 2014.

(7) The wildlife habitat incentives program under section 3839bb-1 of this title, using, to the maximum extent practicable—

(A) \$15,000,000 in fiscal year 2002;

(B) \$30,000,000 in fiscal year 2003;

(C) \$60,000,000 in fiscal year 2004; and

(D) \$85,000,000 in each of fiscal years 2005 through 2014.

**(b) Technical assistance**

Effective for fiscal year 2005 and each subsequent fiscal year, Commodity Credit Corporation funds made available for each of the programs specified in paragraphs (1) through (7) of subsection (a) of this section—

(1) shall be available for the provision of technical assistance for the programs for which funds are made available; and

(2) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) of this section other than the program for which the funds were made available.

**(c) Relationship to other law**

The use of Commodity Credit Corporation funds under subsection (b) of this section to provide technical assistance shall not be considered an allotment or fund transfer from the Commodity Credit Corporation for purposes of the limit on expenditures for technical assistance imposed by section 7141 of title 15.

**(d) Regional equity**

**(1) Priority funding to promote equity**

Before April 1 of each fiscal year, the Secretary shall give priority for funding under the