

Stat. 751; Pub. L. 115-334, title II, §2405, Dec. 20, 2018, 132 Stat. 4573; Pub. L. 118-22, div. B, title I, §102(d)(1)(A), Nov. 17, 2023, 137 Stat. 116.)

### Editorial Notes

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2023—Subsec. (b)(3). Pub. L. 118-22 inserted dash after “use”, designated remainder of existing provisions as subpar. (A), and added subpar. (B).

2018—Subsec. (b)(1). Pub. L. 115-334, §2405(a), substituted “2023” for “2018”.

Subsec. (b)(3). Pub. L. 115-334, §2405(b), added par. (3).

2014—Subsec. (b). Pub. L. 113-79 amended subsec. (b) generally. Prior to amendment, text read as follows: “There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2008 through 2012.”

2008—Subsec. (b). Pub. L. 110-246, §2603, substituted “\$20,000,000 for each of fiscal years 2008 through 2012” for “\$5,000,000 for each of fiscal years 2002 through 2007”.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2023 AMENDMENT

Amendment by Pub. L. 118-22 to be applied and administered as if enacted on Sept. 30, 2023, see section 102(g) of Pub. L. 118-22, set out in an Extension of Agricultural Programs note under section 9001 of Title 7, Agriculture.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment 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 an Effective Date note under section 8701 of Title 7, Agriculture.

### § 3839bb-3. Repealed. Pub. L. 113-79, title II, §2708, Feb. 7, 2014, 128 Stat. 770

Section, Pub. L. 99-198, title XII, §1240P, as added Pub. L. 107-171, title II, §2502(a), May 13, 2002, 116 Stat. 267; amended Pub. L. 110-234, title II, §2604, May 22, 2008, 122 Stat. 1068; Pub. L. 110-246, §4(a), title II, §2604, June 18, 2008, 122 Stat. 1664, 1796, related to Great Lakes basin program for soil erosion and sediment control.

### § 3839bb-4. Repealed. Pub. L. 113-79, title II, §2709(a), Feb. 7, 2014, 128 Stat. 770

Section, 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, related to conservation activities on agricultural lands in the Chesapeake Bay watershed.

### Statutory Notes and Related Subsidiaries

#### REPEAL; TRANSITIONAL PROVISIONS

Pub. L. 113-79, title II, §2709, Feb. 7, 2014, 128 Stat. 770, provided that:

“(a) REPEAL.—Except as provided in subsection (b), section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839bb-4) is repealed.

“(b) TRANSITIONAL PROVISIONS.—

“(1) EFFECT ON EXISTING CONTRACTS, AGREEMENTS, AND EASEMENTS.—The amendment made by this section [repealing section 3839bb-4 of this title] shall not affect the validity or terms of any contract, agree-

ment, or easement entered into by the Secretary of Agriculture under section 1240Q of the Food Security Act of 1985 ([former] 16 U.S.C. 3839bb-4) before the date of enactment of the Agricultural Act of 2014 [Feb. 7, 2014], or any payments required to be made in connection with the contract, agreement, or easement.

“(2) FUNDING.—

“(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of section 1240Q of the Food Security Act of 1985 ([former] 16 U.S.C. 3839bb-4), any funds made available from the Commodity Credit Corporation to carry out the Chesapeake Bay watershed program under that section for fiscal years 2009 through 2013 shall be made available to carry out contracts, agreements, and easements referred to in paragraph (1) that were entered into prior to the date of enactment of the Agricultural Act of 2014 (including the provision of technical assistance).

“(B) OTHER.—The Secretary [of Agriculture] may use funds made available to carry out the regional conservation partnership program under subtitle I of title XII of the Food Security Act of 1985 [16 U.S.C. 3871 et seq.], as added by section 2401, to continue to carry out contracts, agreements, and easements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts, agreements, and easements as in existence on the day before the date of enactment of the Agricultural Act of 2014.”

### § 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 funding 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 wildlife-dependent recreation, including hunting or fishing under programs administered by the States and tribal governments.

#### (b) Applications

In submitting applications for funding 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 funding 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 landowners;

(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 conservation reserve enhancement program under section 3831a of this title or on land covered by a

wetland reserve easement under section 3865c 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 funding 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**

**(1) Mandatory funding**

Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to the maximum extent practicable, \$50,000,000 for the period of fiscal years 2009 through 2012, \$40,000,000 for the period of fiscal years 2014 through 2018, \$50,000,000 for the period of fiscal years 2019 through 2023, and \$10,000,000 for fiscal year 2024.

**(2) Enhanced public access to wetland reserve easements**

To the maximum extent practicable, of the funds made available under paragraph (1), the Secretary shall use \$3,000,000 for the period of fiscal years 2019 through 2023 to encourage public access to land covered by wetland reserve easements under section 3865c of this title through agreements with States and tribal governments under this section.

**(3) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2013.

(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; amended Pub. L. 112-240, title VII, §701(c)(2), Jan. 2, 2013, 126 Stat. 2363; Pub. L. 113-79, title II, §2503(a), Feb. 7, 2014, 128 Stat. 751; Pub. L. 115-334, title II, §§2202(b)(1), 2406, Dec. 20, 2018, 132 Stat. 4537, 4573; Pub. L. 118-22, div. B, title I, §102(d)(1)(B), Nov. 17, 2023, 137 Stat. 116.)

**Editorial Notes**

**REFERENCES IN TEXT**

Section 3834(f)(4) of this title, referred to in subsec. (c)(3), was redesignated as section 3834(g)(2) of this title by Pub. L. 113-79, title II, §§2005(b)(2), (e)(3), Feb. 7, 2014, 128 Stat. 718, 719.

**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.

**AMENDMENTS**

2023—Subsec. (f)(1). Pub. L. 118-22 struck out “and” after “through 2018,” and inserted “, and \$10,000,000 for fiscal year 2024” after “through 2023”.

2018—Subsec. (a). Pub. L. 115-334, §2406(1), substituted “funding” for “grants”.

Subsec. (b). Pub. L. 115-334, §2406(2), substituted “funding” for “a grant” in introductory provisions.

Subsec. (c). Pub. L. 115-334, §2406(1), substituted “funding” for “grants” in introductory provisions.

Subsec. (c)(3). Pub. L. 115-334, §2406(3), inserted “or on land covered by a wetland reserve easement under section 3865C of this title” before “by providing”.

Pub. L. 115-334, §2202(b)(1), substituted “a conservation reserve enhancement program under section 3831a of this title” for “a special conservation reserve enhancement program described in section 3834(f)(4) of this title”.

Subsec. (d)(2). Pub. L. 115-334, §2406(2), substituted “funding” for “a grant”.

Subsec. (f)(1). Pub. L. 115-334, §2406(4)(A), substituted “2009 through 2012,” for “2009 through 2012 and” and inserted “, and \$50,000,000 for the period of fiscal years 2019 through 2023” before period at end.

Subsec. (f)(2), (3). Pub. L. 115-334, §2406(4)(B), (C), added par. (2) and redesignated former par. (2) as (3).

2014—Subsec. (f)(1). Pub. L. 113-79, in heading, substituted “Mandatory funding” for “Fiscal years 2009 through 2012” and in text, inserted “and \$40,000,000 for the period of fiscal years 2014 through 2018” before period at end.

2013—Subsec. (f). Pub. L. 112-240 added subsec. (f) and struck out former subsec. (f). Prior to amendment, text read as follows: “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.”

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF 2023 AMENDMENT**

Amendment by Pub. L. 118-22 to be applied and administered as if enacted on Sept. 30, 2023, see section 102(g) of Pub. L. 118-22, set out in an Extension of Agricultural Programs note under section 9001 of Title 7, Agriculture.

**EFFECTIVE DATE OF 2013 AMENDMENT**

Amendment by Pub. L. 112-240 effective Sept. 30, 2012, see section 701(j) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of Title 7, Agriculture.

**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-6. Terminal lakes assistance**

**(a) Definitions**

In this section:

**(1) Eligible land**

The term “eligible land” means privately owned agricultural land (including land in which a State has a property interest as a result of State water law)—

(A) that a landowner voluntarily agrees to sell to a State; and