

## 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 L. 110-234 was repealed by section 4(a) of Pub.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

(B) which—

(i)(I) is ineligible for enrollment as a wetland reserve easement established under the agricultural conservation easement program under subtitle H<sup>1</sup> of the Food Security Act of 1985;

(II) is flooded to—

(aa) an average depth of at least 6.5 feet; or

(bb) a level below which the State determines the management of the water level is beyond the control of the State or landowner; or

(III) is inaccessible for agricultural use due to the flooding of adjoining property (such as islands of agricultural land created by flooding);

(ii) is located within a watershed with water rights available for lease or purchase; and

(iii) has been used during at least 5 of the immediately preceding 30 years—

(I) to produce crops or hay; or

(II) as livestock pasture or grazing.

**(2) Program**

The term “program” means the voluntary land purchase program established under this section.

**(3) Terminal lake**

The term “terminal lake” means a lake and its associated riparian and watershed resources that is—

(A) considered flooded because there is no natural outlet for water accumulating in the lake or the associated riparian area such that the watershed and surrounding land is consistently flooded; or

(B) considered terminal because it has no natural outlet and is at risk due to a history of consistent Federal assistance to address critical resource conditions, including insufficient water available to meet the needs of the lake, general uses, and water rights.

**(b) Assistance**

The Secretary shall—

(1) provide grants under subsection (c) for the purchase of eligible land impacted by a terminal lake described in subsection (a)(3)(A); and

(2) provide funds to the Secretary of the Interior pursuant to subsection (e)(2) with assistance in accordance with subsection (d) for terminal lakes described in subsection (a)(3)(B).

**(c) Land purchase grants****(1) In general**

Using funds provided under subsection (e)(1), the Secretary shall make available land purchase grants to States for the purchase of eligible land in accordance with this subsection.

**(2) Implementation****(A) Amount**

A land purchase grant shall be in an amount not to exceed the lesser of—

<sup>1</sup> See References in Text note below.

(i) 50 percent of the total purchase price per acre of the eligible land; or

(ii)(I) in the case of eligible land that was used to produce crops or hay, \$400 per acre; and

(II) in the case of eligible land that was pasture or grazing land, \$200 per acre.

**(B) Determination of purchase price**

A State purchasing eligible land with a land purchase grant shall ensure, to the maximum extent practicable, that the purchase price of such land reflects the value, if any, of other encumbrances on the eligible land to be purchased, including easements and mineral rights.

**(C) Cost-share required**

To be eligible to receive a land purchase grant, a State shall provide matching non-Federal funds in an amount equal to 50 percent of the amount described in subparagraph (A), including additional non-Federal funds.

**(D) Conditions**

To receive a land purchase grant, a State shall agree—

(i) to ensure that any eligible land purchased is—

(I) conveyed in fee simple to the State; and

(II) free from mortgages or other liens at the time title is transferred;

(ii) to maintain ownership of the eligible land in perpetuity;

(iii) to pay (from funds other than grant dollars awarded) any costs associated with the purchase of eligible land under this section, including surveys and legal fees; and

(iv) to keep eligible land in a conserving use, as defined by the Secretary.

**(E) Loss of Federal benefits**

Eligible land purchased with a grant under this section shall lose eligibility for any benefits under other Federal programs, including—

(i) benefits under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.);

(ii) benefits under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(iii) covered benefits described in section 1001D(b) of the Food Security Act of 1985 (7 U.S.C. 1308-3a).

**(F) Prohibition**

Any Federal rights or benefits associated with eligible land prior to purchase by a State may not be transferred to any other land or person in anticipation of or as a result of such purchase.

**(d) Water assistance**

**(1) In general**

The Secretary of the Interior, acting through the Commissioner of Reclamation, may use the funds described in subsection (e)(2) to administer and provide financial assistance to carry out this subsection to provide water and assistance to a terminal lake

described in subsection (a)(3)(B) through willing sellers or willing participants only—

(A) to lease water;

(B) to purchase land, water appurtenant to the land, and related interests; and

(C) to carry out research, support, and conservation activities for associated fish, wildlife, plant, and habitat resources.

**(2) Exclusions**

The Secretary of the Interior may not use this subsection to deliver assistance to the Great Salt Lake in Utah, lakes that are considered dry lakes, or other lakes that do not meet the purposes of this section, as determined by the Secretary of the Interior.

**(3) Transitional provision**

**(A) In general**

Notwithstanding any other provision of this section, any funds made available before February 7, 2014, under a provision of law described in subparagraph (B) shall remain available using the provisions of law (including regulations) in effect on the day before February 7, 2014.

**(B) Described laws**

The provisions of law described in this section are—

(i) section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171) (as in effect on the day before February 7, 2014);

(ii) section 207 of the Energy and Water Development Appropriations Act, 2003 (Public Law 108-7; 117 Stat. 146);

(iii) section 208 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268, 123 Stat. 2856); and

(iv) section 208 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85; 123 Stat. 2858, 123 Stat. 2967, 125 Stat. 867).

**(e) Funding**

**(1) Commodity Credit Corporation**

As soon as practicable after February 7, 2014, the Secretary shall transfer to the “Bureau of Reclamation—Water and Related Resources” account \$150,000,000 from the funds of the Commodity Credit Corporation to carry out subsection (d), to remain available until expended.

**(2) No additional funds**

**(A) In general**

Nothing in this section authorizes any additional funds to carry out this section.

**(B) Availability of funds**

Any funds made available to carry out this section before December 20, 2018, may remain available until expended.

**(f) Termination of authority**

The authority provided by this section shall terminate on October 1, 2025.

(Pub. L. 107-171, title II, §2507, May 13, 2002, 116 Stat. 275; Pub. L. 110-234, title II, §2807, May 22, 2008, 122 Stat. 1090; Pub. L. 110-246, §4(a), title II,

§2807, June 18, 2008, 122 Stat. 1664, 1818; Pub. L. 111-85, title II, §207, Oct. 28, 2009, 123 Stat. 2858; Pub. L. 112-74, div. B, title II, §208(a), Dec. 23, 2011, 125 Stat. 866; Pub. L. 113-79, title II, §2507, Feb. 7, 2014, 128 Stat. 753; Pub. L. 115-334, title II, §2821(d), Dec. 20, 2018, 132 Stat. 4603; Pub. L. 117-361, §1, Jan. 5, 2023, 136 Stat. 6294.)

### Editorial Notes

#### REFERENCES IN TEXT

The Food Security Act of 1985, referred to in subsecs. (a)(1)(B)(i)(I) and (c)(2)(E)(i), is Pub. L. 99-198, Dec. 23, 1985, 99 Stat. 1354. Title XII of the Act is classified principally to this chapter. Subtitle H of the Food Security Act of 1985 probably means subtitle H (§1265 et seq.) of title XII of Pub. L. 99-198, which is classified generally to subchapter VII of this chapter. For complete classification of this Act to the Code, see Short Title of 1985 Amendment note set out under section 1281 of Title 7, Agriculture, and Tables.

The Federal Crop Insurance Act, referred to in subsec. (c)(2)(E)(ii), is subtitle A of title V of act Feb. 16, 1938, ch. 30, 52 Stat. 72, which is classified generally to subchapter I (§1501 et seq.) of chapter 36 of Title 7, Agriculture. For complete classification of this Act to the Code, see section 1501 of Title 7 and Tables.

Section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171) (as in effect on the day before February 7, 2014), referred to in subsec. (d)(3)(B)(i), is section 2507 of Pub. L. 107-171, title II, May 13, 2002, 116 Stat. 275, which was classified as a note under section 2211 of Title 43, Public Lands, prior to being amended generally by Pub. L. 113-79 and editorially reclassified as this section.

Section 207 of the Energy and Water Development Appropriations Act, 2003, referred to in subsec. (d)(3)(B)(ii), is section 207 of Pub. L. 108-7, div. D, title II, Feb. 20, 2003, 117 Stat. 146, which is not classified to the Code.

Section 208 of the Energy and Water Development Appropriations Act, 2006, referred to in subsec. (d)(3)(B)(iii), is section 208 of Pub. L. 109-103, title II, Nov. 19, 2005, 119 Stat. 2268, which is not classified to the Code.

Section 208 of the Energy and Water Development and Related Agencies Appropriations Act, 2010, referred to in subsec. (d)(3)(B)(iv), is section 208 of Pub. L. 111-85, title II, Oct. 28, 2009, 123 Stat. 2858, which is not classified to the Code.

#### 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.

Section was enacted as part of the Farm Security and Rural Investment Act of 2002, and not as part of title XII of Pub. L. 99-198 which comprises this chapter.

Section was formerly set out as a note under section 2211 of Title 43, Public Lands.

#### AMENDMENTS

2023—Subsec. (f). Pub. L. 117-361 substituted “2025” for “2023”.

2018—Subsec. (e). Pub. L. 115-334, §2821(d)(1), added par. (2), redesignated former par. (2) as (1), and struck out former par. (1). Prior to amendment, text of par. (1) read as follows: “There is authorized to be appropriated to the Secretary to carry out subsection (c) \$25,000,000, to remain available until expended.”

Subsec. (f). Pub. L. 115-334, §2821(d)(2), added subsec. (f).

2014—Pub. L. 113-79 amended section generally. Prior to amendment, section directed Secretary of Agriculture, subject to certain other provisions, to transfer \$175,000,000 of the funds of the Commodity Credit Corporation to the Bureau of Reclamation Water and Related Resources Account to provide water to at-risk natural desert terminal lakes.

2011—Subsec. (b). Pub. L. 112-74, §208(a)(1), substituted “For the benefit of at-risk natural desert terminal lakes and associated riparian and watershed resources, in any case in which there are willing sellers or willing participants” for “In any case in which there are willing sellers” in introductory provisions.

Subsec. (b)(2). Pub. L. 112-74, §208(a)(2), struck out “in the Walker River Basin in accordance with section 208(a)(1)(A) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268)” before “; and”.

Subsec. (b)(3). Pub. L. 112-74, §208(a)(3), struck out “in the Walker River Basin” before period at end.

2009—Subsec. (b)(3). Pub. L. 111-85 added par. (3).

2008—Subsec. (a). Pub. L. 110-246, §2807(1), substituted “Transfer” for “In general” in heading and “Subject to subsection (b) and paragraph (1) of section 207(a) of Public Law 108-7 (117 Stat. 146), notwithstanding paragraph (3) of that section, on the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary of Agriculture shall transfer \$175,000,000” for “Subject to subsection (b), as soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall transfer \$200,000,000” in text and deleted quotation marks before “(1)” and “(2)”.

Subsec. (b). Pub. L. 110-246, §2807(2), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “The funds described in subsection (a) shall not be used to purchase or lease water rights.”

### Statutory Notes and Related Subsidiaries

#### TRANSFER OF FUNDS

Pub. L. 107-206, title I, §103, Aug. 2, 2002, 116 Stat. 823, provided that not later than 14 days after Aug. 2, 2002, the Secretary of Agriculture was to carry out a transfer of funds under former section 2507(a) of Pub. L. 107-171.

### SUBCHAPTER V—FUNDING AND ADMINISTRATION

#### Editorial Notes

#### 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. Subsequent amendments to subtitle E have enacted or repealed and reenacted sections throughout the subtitle.

### § 3841. Commodity Credit Corporation

#### (a) Annual funding

For each of fiscal years 2014 through 2031, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out the following programs under this chapter (including the provision of technical assistance):

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

(A) \$12,000,000 for the period of fiscal years 2019 through 2023 to provide payments under section 3834(c) of this title; and

(B) \$50,000,000 for the period of fiscal years 2019 through 2023, including not more than