

(B) leverage Federal funds provided under the program with funds provided by partners; and

(C) assist producers in States with water quantity concerns, as determined by the Secretary.

(4) Administration

In carrying out this subsection, the Secretary shall—

(A) accept qualified applications—

(i) directly from partners applying on behalf of producers; or

(ii) from producers applying through a partner as part of a regional agricultural water enhancement project; and

(B) ensure that resources made available for regional agricultural water enhancement activities are delivered in accordance with applicable program rules.

(f) Areas experiencing exceptional drought

Notwithstanding the purposes described in section 3839aa of this title, the Secretary shall consider as an eligible agricultural water enhancement activity the use of a water impoundment to capture surface water runoff on agricultural land if the agricultural water enhancement activity—

(1) is located in an area that is experiencing or has experienced exceptional drought conditions during the previous two calendar years; and

(2) will capture surface water runoff through the construction, improvement, or maintenance of irrigation ponds or small, on-farm reservoirs.

(g) Waiver authority

To assist in the implementation of agricultural water enhancement activities under the program, the Secretary shall waive the applicability of the limitation in section 1308-3a(b)(2)(B) of title 7 for participating producers if the Secretary determines that the waiver is necessary to fulfill the objectives of the program.

(h) Payments under program

(1) In general

The Secretary shall provide appropriate payments to producers participating in agricultural water enhancement activities in an amount determined by the secretary¹ to be necessary to achieve the purposes of the program described in subsection (b).

(2) Payments to producers in States with water quantity concerns

The Secretary shall provide payments for a period of five years to producers participating in agricultural water enhancement activities under proposals described in subsection (e)(3) in an amount sufficient to encourage producers to convert from irrigated farming to dryland farming.

(i) Consistency with State law

Any agricultural water enhancement activity conducted under the program shall be conducted in a manner consistent with State water law.

¹ So in original. Probably should be “Secretary”.

(j) Funding

(1) Availability of funds

In addition to funds made available to carry out this part under section 3841(a) of this title, the Secretary shall carry out the program using, of the funds of the Commodity Credit Corporation—

(A) \$73,000,000 for each of fiscal years 2009 and 2010;

(B) \$74,000,000 for fiscal year 2011; and

(C) \$60,000,000 for fiscal year 2012 and each fiscal year thereafter.

(2) Limitation on administrative expenses

None of the funds made available for regional agricultural water conservation activities under the program may be used to pay for the administrative expenses of partners.

(Pub. L. 99-198, title XII, § 1240I, as added Pub. L. 107-171, title II, § 2301, May 13, 2002, 116 Stat. 257; amended Pub. L. 110-234, title II, § 2510, May 22, 2008, 122 Stat. 1064; Pub. L. 110-246, § 4(a), title II, § 2510, June 18, 2008, 122 Stat. 1664, 1792.)

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

2008—Pub. L. 110-246, § 2510, amended section generally. Prior to amendment, section related to ground and surface water conservation.

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.

TRANSITION PROVISIONS

Pub. L. 110-234, title II, § 2903(b), May 22, 2008, 122 Stat. 1091, and Pub. L. 110-246, § 4(a), title II, § 2903(b), June 18, 2008, 122 Stat. 1664, 1819, provided that: “During the period beginning on the date of the enactment of this Act [June 18, 2008] and ending on September 30, 2008, the Secretary of Agriculture shall continue to carry out the ground and surface water conservation program under section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa-9), as in effect before the amendment made by section 2510, using the terms, conditions, and funds available to the Secretary to carry out such program on the day before the date of the enactment of this Act.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.]

PART V—OTHER CONSERVATION PROGRAMS

§ 3839bb. Conservation of private grazing land

(a) Purpose

It is the purpose of this section to authorize the Secretary to provide a coordinated technical, educational, and related assistance program to conserve and enhance private grazing land resources and provide related benefits to all citizens of the United States by—

(1) establishing a coordinated and cooperative Federal, State, and local grazing con-

servation program for management of private grazing land;

(2) strengthening technical, educational, and related assistance programs that provide assistance to owners and managers of private grazing land;

(3) conserving and improving wildlife habitat on private grazing land;

(4) conserving and improving fish habitat and aquatic systems through grazing land conservation treatment;

(5) protecting and improving water quality;

(6) improving the dependability and consistency of water supplies;

(7) identifying and managing weed, noxious weed, and brush encroachment problems on private grazing land; and

(8) integrating conservation planning and management decisions by owners and managers of private grazing land, on a voluntary basis.

(b) Definitions

In this section:

(1) Department

The term “Department” means the Department of Agriculture.

(2) Private grazing land

The term “private grazing land” means private, State-owned, tribally-owned, and any other non-federally owned rangeland, pastureland, grazed forest land, and hay land.

(3) Secretary

The term “Secretary” means the Secretary of Agriculture.

(c) Private grazing land conservation assistance

(1) Assistance to grazing landowners and others

Subject to the availability of appropriations for this section, the Secretary shall establish a voluntary program to provide technical, educational, and related assistance to owners and managers of private grazing land and public agencies, through local conservation districts, to enable the landowners, managers, and public agencies to voluntarily carry out activities that are consistent with this section, including—

(A) maintaining and improving private grazing land and the multiple values and uses that depend on private grazing land;

(B) implementing grazing land management technologies;

(C) managing resources on private grazing land, including—

(i) planning, managing, and treating private grazing land resources;

(ii) ensuring the long-term sustainability of private grazing land resources;

(iii) harvesting, processing, and marketing private grazing land resources; and

(iv) identifying and managing weed, noxious weed, and brush encroachment problems;

(D) protecting and improving the quality and quantity of water yields from private grazing land;

(E) maintaining and improving wildlife and fish habitat on private grazing land;

(F) enhancing recreational opportunities on private grazing land;

(G) maintaining and improving the aesthetic character of private grazing land;

(H) identifying the opportunities and encouraging the diversification of private grazing land enterprises; and

(I) encouraging the use of sustainable grazing systems, such as year-round, rotational, or managed grazing.

(2) Program elements

(A) Funding

If funding is provided to carry out this section, it shall be provided through a specific line-item in the annual appropriations for the Natural Resources Conservation Service.

(B) Technical assistance and education

Personnel of the Department trained in pasture and range management shall be made available under the program to deliver and coordinate technical assistance and education to owners and managers of private grazing land, at the request of the owners and managers.

(d) Grazing technical assistance self-help

(1) Findings

Congress finds that—

(A) there is a severe lack of technical assistance for farmers and ranchers that graze livestock;

(B) Federal budgetary constraints preclude any significant expansion, and may force a reduction of, current levels of technical support; and

(C) farmers and ranchers have a history of cooperatively working together to address common needs in the promotion of their products and in the drainage of wet areas through drainage districts.

(2) Establishment of grazing demonstration

In accordance with paragraph (3), the Secretary may establish 2 grazing management demonstration districts at the recommendation of the grazing land conservation initiative steering committee.

(3) Procedure

(A) Proposal

Within a reasonable time after the submission of a request of an organization of farmers or ranchers engaged in grazing, the Secretary shall propose that a grazing management district be established.

(B) Funding

The terms and conditions of the funding and operation of the grazing management district shall be proposed by the producers.

(C) Approval

The Secretary shall approve the proposal if the Secretary determines that the proposal—

(i) is reasonable;

(ii) will promote sound grazing practices; and

(iii) contains provisions similar to the provisions contained in the beef promotion

and research order issued under section 2903 of title 7 in effect on April 4, 1996.

(D) Area included

The area proposed to be included in a grazing management district shall be determined by the Secretary on the basis of an application by farmers or ranchers.

(E) Authorization

The Secretary may use authority under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to operate, on a demonstration basis, a grazing management district.

(F) Activities

The activities of a grazing management district shall be scientifically sound activities, as determined by the Secretary in consultation with a technical advisory committee composed of ranchers, farmers, and technical experts.

(e) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$60,000,000 for each of fiscal years 2002 through 2012.

(Pub. L. 99-198, title XII, §1240M, as added Pub. L. 104-127, title III, §335, Apr. 4, 1996, 110 Stat. 1002; amended Pub. L. 107-171, title II, §2502(a), May 13, 2002, 116 Stat. 264; Pub. L. 110-234, title II, §2601, May 22, 2008, 122 Stat. 1068; Pub. L. 110-246, §4(a), title II, §2601, June 18, 2008, 122 Stat. 1664, 1796.)

REFERENCES IN TEXT

The Agricultural Adjustment Act, referred to in subsec. (d)(3)(E), is title I of act May 12, 1933, ch. 25, 48 Stat. 31, as amended, which is classified generally to chapter 26 (§601 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 601 of Title 7 and Tables.

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

2008—Subsec. (e). Pub. L. 110-246, §2601, substituted “2012” for “2007”.

2002—Pub. L. 107-171 amended section catchline and text generally. Prior to amendment, section required the Secretary to establish conservation farm option pilot programs for producers of wheat, feed grains, cotton, and rice.

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-1. Wildlife habitat incentive program

(a) In general

The Secretary, in consultation with the State technical committees established under section 3861 of this title, shall establish within the Natural Resources Conservation Service a program

to be known as the wildlife habitat incentive program (referred to in this section as the “program”) for the development of wildlife habitat on private agricultural land, nonindustrial private forest land, and tribal lands.

(b) Cost-share payments

(1) In general

Under the program, the Secretary shall make cost-share payments to owners of lands referred to in subsection (a) to develop—

- (A) upland wildlife habitat;
- (B) wetland wildlife habitat;
- (C) habitat for threatened and endangered species;
- (D) fish habitat; and
- (E) other types of wildlife habitat approved by the Secretary, including habitat developed on pivot corners and irregular areas.

(2) Increased cost share for long-term agreements

(A) In general

In a case in which the Secretary enters into an agreement or contract to protect and restore plant and animal habitat that has a term of at least 15 years, the Secretary may provide cost-share payments in addition to amounts provided under paragraph (1).

(B) Funding limitation

The Secretary may use, for a fiscal year, not more than 25 percent of funds made available under section 3841(a)(7) of this title for the fiscal year to carry out contracts and agreements described in subparagraph (A).

(c) Regional equity

In carrying out this section, the Secretary shall, to the maximum extent practicable, ensure that regional issues of concern relating to wildlife habitat are addressed in an appropriate manner.

(d) Priority for certain conservation initiatives

In carrying out this section, the Secretary may give priority to projects that would address issues raised by State, regional, and national conservation initiatives.

(e) Payment limitation

Payments made to a person or legal entity, directly or indirectly, under the program may not exceed, in the aggregate, \$50,000 per year.

(Pub. L. 99-198, title XII, §1240N, as added Pub. L. 107-171, title II, §2502(a), May 13, 2002, 116 Stat. 266; amended Pub. L. 110-234, title II, §2602, May 22, 2008, 122 Stat. 1068; Pub. L. 110-246, §4(a), title II, §2602, June 18, 2008, 122 Stat. 1664, 1796.)

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

2008—Subsec. (a). Pub. L. 110-246, §2602(a)(1), inserted “for the development of wildlife habitat on private agricultural land, nonindustrial private forest land, and tribal lands” before period at end.

Subsec. (b)(1). Pub. L. 110-246, §2602(a)(2), substituted “owners of lands referred to in subsection (a)” for “landowners” in introductory provisions.

Subsec. (b)(1)(E). Pub. L. 110-246, §2602(b), inserted “, including habitat developed on pivot corners and irregular areas” before period at end.

Subsec. (b)(2)(B). Pub. L. 110-246, §2602(c), substituted “25 percent” for “15 percent”.

Subsecs. (d), (e). Pub. L. 110-246, §2602(d), added subsecs. (d) and (e).

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-2. Grassroots source water protection program

(a) In general

The Secretary shall establish a national grassroots water protection program to more effectively use onsite technical assistance capabilities of each State rural water association that, as of May 13, 2002, operates a wellhead or groundwater protection program in the State.

(b) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2008 through 2012.

(Pub. L. 99-198, title XII, §12400, as added Pub. L. 107-171, title II, §2502(a), May 13, 2002, 116 Stat. 267; amended Pub. L. 110-234, title II, §2603, May 22, 2008, 122 Stat. 1068; Pub. L. 110-246, §4(a), title II, §2603, June 18, 2008, 122 Stat. 1664, 1796.)

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

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”.

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. Great Lakes basin program for soil erosion and sediment control

(a) Program authorized

The Secretary may carry out the Great Lakes basin program for soil erosion and sediment control (referred to in this section as the “program”), including providing assistance to implement the recommendations of the Great Lakes Regional Collaboration Strategy to Restore and Protect the Great Lakes.

(b) Consultation and cooperation

The Secretary shall carry out the program in consultation with the Great Lakes Commission created by Article IV of the Great Lakes Basin Compact (82 Stat. 415) and in cooperation with the Administrator of the Environmental Protection Agency and the Secretary of the Army.

(c) Assistance

In carrying out the program, the Secretary may—

(1) provide project demonstration grants, provide technical assistance, and carry out information and educational programs to improve water quality in the Great Lakes basin by reducing soil erosion and improving sediment control; and

(2) establish a priority for projects and activities that—

(A) directly reduce soil erosion or improve sediment control;

(B) reduce soil loss in degraded rural watersheds; or

(C) improve water quality for downstream watersheds.

(d) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out the program \$5,000,000 for each of fiscal years 2008 through 2012.

(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.)

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

2008—Pub. L. 110-246, §2604, amended section generally. Prior to amendment, section related to: in subsec. (a), authorization to carry out the Great Lakes basin program for soil erosion and sediment control in consultation with the Great Lakes Commission and in cooperation with the Administrator of the Environmental Protection Agency and the Secretary of the Army; in subsec. (b), provision of assistance and prioritization of projects; and, in subsec. (c), appropriations for fiscal years 2002 through 2007.

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-4. Chesapeake Bay watershed

(a) Chesapeake Bay watershed defined

In this section, the term “Chesapeake Bay watershed” means all tributaries, backwaters, and side channels, including their watersheds, draining into the Chesapeake Bay.

(b) Establishment and purpose

The Secretary shall assist producers in implementing conservation activities on agricultural lands in the Chesapeake Bay watershed for the purposes of—

(1) improving water quality and quantity in the Chesapeake Bay watershed; and

(2) restoring, enhancing, and preserving soil, air, and related resources in the Chesapeake Bay watershed.

(c) Conservation activities

The Secretary shall deliver the funds made available to carry out this section through applicable programs under this subchapter to assist producers in enhancing land and water resources—

(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 wildlife-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 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 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