

106TH CONGRESS  
1ST SESSION

# S. 333

To amend the Federal Agriculture Improvement and Reform Act of 1996  
to improve the farmland protection program.

---

## IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 1999

Mr. LEAHY (for himself, Mr. TORRICELLI, Mr. DEWINE, Mr. JEFFORDS, Mr. KENNEDY, Mr. HARKIN, Ms. MIKULSKI, Mr. LEVIN, Mr. KERRY, Mrs. MURRAY, Mrs. BOXER, and Mr. SARBANES) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

---

## A BILL

To amend the Federal Agriculture Improvement and Reform  
Act of 1996 to improve the farmland protection program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. FARMLAND PROTECTION PROGRAM.**

4 Section 388 of the Federal Agriculture Improvement  
5 and Reform Act of 1996 (16 U.S.C. 3830 note; Public  
6 Law 104–127) is amended to read as follows:

### 7 **“SEC. 388. FARMLAND PROTECTION PROGRAM.**

8 “(a) **DEFINITION OF ELIGIBLE ENTITY.**—In this sec-  
9 tion, the term ‘eligible entity’ means—

1 “(1) any agency of any State or local govern-  
 2 ment, or federally recognized Indian tribe; and

3 “(2) any organization that—

4 “(A) is organized for, and at all times  
 5 since its formation has been operated prin-  
 6 cipally for, 1 or more of the conservation pur-  
 7 poses specified in clause (i), (ii), or (iii) of sec-  
 8 tion 170(h)(4)(A) of the Internal Revenue Code  
 9 of 1986;

10 “(B) is an organization described in sec-  
 11 tion 501(c)(3) of the Code that is exempt from  
 12 taxation under section 501(a) of the Code; and

13 “(C)(i) is described in section 509(a)(2) of  
 14 the Code of; or

15 “(ii) is described in section 509(a)(3) of  
 16 the Code and is controlled by an organization  
 17 described in section 509(a)(2) of the Code.

18 “(b) AUTHORITY.—The Secretary of Agriculture  
 19 shall establish and carry out a farmland protection pro-  
 20 gram under which the Secretary shall provide grants to  
 21 eligible entities, to provide the Federal share of the cost  
 22 of purchasing conservation easements or other interests  
 23 in land with prime, unique, or other productive soil for  
 24 the purpose of protecting topsoil by limiting non-  
 25 agricultural uses of the land.

1       “(c) FEDERAL SHARE.—The Federal share of the  
2 cost of purchasing a conservation easement or other inter-  
3 est described in subsection (b) shall be not more than 50  
4 percent.

5       “(d) TITLE; ENFORCEMENT.—Title to a conservation  
6 easement or other interest described in subsection (b) may  
7 be held, and the conservation requirements of the ease-  
8 ment or interest enforced, by any eligible entity.

9       “(e) STATE CERTIFICATION.—The attorney general  
10 of the State in which land is located shall take such ac-  
11 tions as are necessary to ensure that a conservation ease-  
12 ment or other interest under this section is in a form that  
13 is sufficient to achieve the conservation purpose of the  
14 farmland protection program established under this sec-  
15 tion, the law of the State, and the terms and conditions  
16 of any grant made by the Secretary under this section.

17       “(f) CONSERVATION PLAN.—Any land for which a  
18 conservation easement or other interest is purchased  
19 under this section shall be subject to the requirements of  
20 a conservation plan to the extent that the plan does not  
21 negate or adversely affect the restrictions contained in any  
22 easement.

23       “(g) TECHNICAL ASSISTANCE.—The Secretary may  
24 use not more than 10 percent of the amount that is made

1 available for a fiscal year under subsection (h) to provide  
2 technical assistance to carry out this section.

3 “(h) FUNDING.—For each fiscal year, the Secretary  
4 shall use not more than \$55,000,000 of the funds of the  
5 Commodity Credit Corporation to carry out this section.”.

○