

105TH CONGRESS  
2D SESSION

# S. 2596

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

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 9 (legislative day, OCTOBER 2), 1998

Mr. TORRICELLI (for himself, Mr. LEAHY, Mr. DEWINE, and Mr. JEFFORDS)  
introduced the following bill; which was read twice and referred to the  
Committee on Agriculture, Nutrition, and Forestry

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## 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.—If the attorney general  
10 of the State in which land is located that is subject to  
11 a conservation easement or other interest under this sec-  
12 tion certifies to the Secretary that a deed of transfer for  
13 the land is in a form that is sufficient to achieve the con-  
14 servation purpose of the easement or interest under the  
15 law of the State, the Secretary shall consent to the terms  
16 of the deed.

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.

21       “(g) TECHNICAL ASSISTANCE.—The Secretary may  
22 use not more than 10 percent of the amount that is made  
23 available for a fiscal year under subsection (h) to provide  
24 technical assistance to carry out this section.

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

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