

109TH CONGRESS
2D SESSION

H. R. 6000

To revise the Farmland Protection Program of the Department of Agriculture.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2006

Mr. HOLDEN introduced the following bill; which was referred to the
Committee on Agriculture

A BILL

To revise the Farmland Protection Program of the
Department of Agriculture.

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 (a) DEFINITIONS.—Section 1238H of the Food Secu-
5 rity Act of 1985 (16 U.S.C. 3838h) is amended—

6 (1) in paragraph (1), by inserting “an entity
7 certified under section 1238I(b) that is” after
8 “means”; and

9 (2) in paragraph (2)(B)(v), by inserting “, in-
10 cluding woodlots, wooded corners, and forested ri-

1 parian areas that may comprise up to 50 percent of
2 the offered acreage” after “Secretary”.

3 (b) PROGRAM.—Section 1238I of the Food Security
4 Act of 1985 is amended to read as follows:

5 **“SEC. 1238I. FARMLAND PROTECTION PROGRAM.**

6 “(a) GRANT PROGRAM.—The Secretary, acting
7 through the Natural Resources Conservation Service, shall
8 establish and carry out a program to make grants to eligi-
9 ble entities for the purpose of protecting the agricultural
10 production capacity of the land by limiting incompatible
11 nonagricultural uses of the land. The program shall give
12 priority to protecting farm and ranchland—

13 “(1) with prime, unique, or other productive
14 soils that are at risk of nonagricultural development;

15 “(2) that will stay in production agriculture;

16 “(3) in rural communities that face intense
17 pressure for conversion to nonagricultural use, as
18 determined by the Secretary; or

19 “(4) in areas that have locally-led land-use
20 planning and zoning strategies.

21 “(b) CERTIFICATION.—In order to delineate eligible
22 entities for program participation under this section, the
23 Secretary shall implement a process, to be published in
24 the Federal Register, for certifying entities described in
25 subparagraph (A) or (B) of section 1238H(1). The certifi-

1 cation requirements shall include at a minimum the fol-
2 lowing:

3 “(1) Strategic planning and articulated objec-
4 tives.

5 “(2) Demonstrated long-term commitment and
6 organizational viability.

7 “(3) Track record of funds management and
8 accountability.

9 “(4) History of successfully completing agricul-
10 tural conservation projects.

11 “(5) Use of a conservation plan for any highly
12 erodible cropland for which a conservation easement
13 or other interest is purchased.

14 “(c) GRANT AGREEMENTS.—The Secretary, acting
15 through the Natural Resources Conservation Service, may
16 enter into agreements with eligible entities certified for
17 program participation under subsection (b), under which
18 an eligible entity may purchase conservation easements
19 using a combination of its own funds and grant funds dis-
20 tributed by the Secretary under the program. An agree-
21 ment shall stipulate the terms and conditions under which
22 the eligible entity shall use funds provided by the Sec-
23 retary under the program, except that under such an
24 agreement—

1 “(1) the eligible entity shall be authorized to
2 determine its own criteria and priorities for pur-
3 chasing conservation easements and other interests
4 in land; and

5 “(2) the eligible entity shall be authorized to
6 use its own terms and conditions for conservation
7 easements and other purchases of interests in land,
8 if the attorney general of the State in which the
9 property to be purchased is located certifies that
10 such terms and conditions are adequate under State
11 law to achieve and permit effective enforcement of
12 the conservation purposes of such easements or
13 other interests.

14 “(d) ENFORCEMENT AND REVERSIONARY INTER-
15 ESTS.—No Federal contingent right of enforcement or re-
16 versionary interest in a conservation easement or other
17 purchase of an interest in land shall be required under
18 the program if the attorney general of the State in which
19 the property to be purchased using grant funds is located
20 certifies that the State or local government has a direct
21 or contingent right of enforcement or reversionary interest
22 therein.

23 “(e) COST SHARING.—

24 “(1) SHARE PROVIDED UNDER THIS SEC-
25 TION.—The share of the cost of purchasing a con-

1 servation easement or other interest in eligible land
2 described in subsection (a) provided under section
3 1241(d) shall not exceed 50 percent of the appraised
4 fair market value of the conservation easement or
5 other interest in eligible land.

6 “(2) SHARE PROVIDED UNDER OTHER FUNDING
7 SOURCE.—As part of the share of the cost of pur-
8 chasing a conservation easement or other interest in
9 eligible land described in subsection (a) that is not
10 provided under section 1241(d), an eligible entity
11 may include a charitable donation by the private
12 landowner from which the eligible land is to be pur-
13 chased of not more than 50 percent of the fair mar-
14 ket value of the conservation easement or other in-
15 terest in eligible land.”.

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