

**FFP LEGISLATION, AS AMENDED BY THE FARM SECURITY
AND RURAL INVESTMENT ACT OF 2002**

Subchapter B—Farmland Protection Program

SEC. 1238H. DEFINITIONS.

In this subchapter:

(1) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means—

(A) any agency of any State or local government or an Indian tribe (including a farmland protection board or land resource council established under State law); or

(B) any organization that—

(i) is organized for, and at all times since the formation of the organization has been operated principally for, 1 or more of the conservation purposes specified in clause (i),

(ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

(ii) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code;

(iii) is described in section 509(a)(2) of that Code; or

(iv) is described in section 509(a)(3), and is controlled by an organization described in section 509(a)(2), of that Code.

(2) **ELIGIBLE LAND.**—

(A) **IN GENERAL.**—The term ‘eligible land’ means land on a farm or ranch that—

(i)(I) has prime, unique, or other productive soil; or

(II) contains historical or archaeological resources; and

(ii) is subject to a pending offer for purchase from an eligible entity.

(B) **INCLUSIONS.**—The term ‘eligible land’ includes, on a farm or ranch—

(i) cropland;

(ii) rangeland;

(iii) grassland;

(iv) pasture land; and

(v) forest land that is an incidental part of an agricultural operation, as determined by the Secretary.

(3) **INDIAN TRIBE.**—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) **PROGRAM.**—The term ‘program’ means the farmland protection program established under section 1238I(a).

SEC. 1238I. FARMLAND PROTECTION.

(a) **IN GENERAL.**—The Secretary, acting through the Natural Resources Conservation Service, shall establish and carry out a farmland protection program under which the Secretary shall purchase conservation easements or other interests in eligible land that is subject to a pending offer from an eligible entity for the purpose of protecting topsoil by limiting nonagricultural uses of the land.

(b) CONSERVATION PLAN.—Any highly erodible cropland for which a conservation easement or other interest is purchased under this subchapter shall be subject to the requirements of a conservation plan that requires, at the option of the Secretary, the conversion of the cropland to less intensive uses.

(c) COST SHARING.—

(1) FARMLAND PROTECTION.—

(A) SHARE PROVIDED UNDER THIS SUBSECTION.—The share of the cost of purchasing a conservation easement or other interest in eligible land described in subsection (a) provided under section 1241(d) shall not exceed 50 percent of the appraised fair market value of the conservation easement or other interest in eligible land.

(B) SHARE NOT PROVIDED UNDER THIS SUBSECTION.—As part of the share of the cost of purchasing a conservation easement or other interest in eligible land described in subsection (a) that is not provided under section 1241(d), an eligible entity may include a charitable donation by the private landowner from which the eligible land is to be purchased of not more than 25 percent of the fair market value of the conservation easement or other interest in eligible land.

(2) BIDDING DOWN.—If the Secretary determines that 2 or more applications for the purchase of a conservation easement or other interest in eligible land described in subsection (a) are comparable in achieving the purposes of this section, the Secretary shall not assign a higher priority to any 1 of those applications solely on the basis of lesser cost to the farmland protection program established under subsection (a).