

“(1) prepare and submit, to the Secretary, an application at such time, in such manner, and containing such information as the Secretary shall require;

“(2) agree that the State trust fund will use any funds provided, or guaranteed, by the Secretary under this chapter in a manner that is consistent with the chapter and the regulations promulgated by the Secretary; and

“(3) agree to comply with any other requirements set forth in agreements with the Secretary or as the Secretary may prescribe by regulation.

“(b) ANNUAL APPLICATIONS.—Eligible States described in section 1465(c)(3)(B) may apply for Federal assistance under this chapter on an annual basis. The Secretary shall approve or disapprove each application for assistance, and notify the applicant of the action not later than 30 days after receipt of a complete application.

“(c) MATCH AND MAXIMUM AMOUNT.—

“(1) IN GENERAL.—The total amount of any guarantees provided by the Secretary under this program for each eligible State shall equal an amount that is equal to double the amount that is, or shall be, made available to the trust fund (including matching funds described in paragraphs (2) through (4)) in each such eligible State by the State, political subdivisions thereof, charitable organizations, private persons, or any other entity, for acquiring interests in land to protect and preserve important farmlands for future agricultural use but in no event shall the total Federal share exceed \$10,000,000 in any fiscal year for any given State.

“(2) EARNINGS.—Earnings of the State trust fund and funds expended by the State or the State trust fund prior to loan closing for purposes consistent with this chapter, and in the same fiscal year, may be considered as matching funds.

“(3) OBLIGATIONS.—Proceeds from the sale of tax-exempt general obligation bonds, or other obligations, of the State or State trust fund shall be an allowable source of matching funds under this chapter for the same fiscal year.

“(4) LAND.—The fair market value of any donation of an interest in land to the State trust fund, or a charitable organization working with the State trust fund, may be considered as matching funds, for the same fiscal year, if—

“(i) the fair market value is based on an appraisal determined to be adequate by the State trust fund; and

“(ii) the donation is consistent with the State farmland preservation plan, except that the value of land donated to charitable organizations by the State trust fund shall not be included as part of the match.

“(d) CLARIFICATION OF FEDERAL LAW.—Sellers of land, or of interests in land, to any State trust fund are not, and shall not be considered by the Secretary as, recipients or beneficiaries of Federal assistance.

“SEC. 1469. REPORT.

“Not later than September 30, 1992, and annually thereafter, the Secretary of Agriculture shall prepare and submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report concerning the operation of the program established under this chapter.

“SEC. 1470. IMPLEMENTATION AND EFFECTIVE DATE.

“(a) IN GENERAL.—This chapter shall become effective on October 1, 1990. Not later than December 30, 1990, the Secretary shall enter into an agreement with the State of Vermont to provide Federal assistance under this chapter to the State.

“(b) REGULATIONS.—Not later than December 31, 1991, the Secretary of Agriculture shall publish in the Federal Register interim final regulations to implement this chapter. The regulations shall not require each State's program to give a priority to the acquisition of land, or interests in land, that is subject to significant urban pressure.

“SEC. 1470A. COMPTROLLER GENERAL REPORTS.

“On February 15 of 1992, and on December 1 of each of the years 1992 through 1996, the Comptroller General of the United States shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, on whether the Secretary of Agriculture is complying with the requirements of this chapter. The report shall include information concerning loans guaranteed under this chapter and the steps the Secretary of Agriculture has taken to comply with this chapter.

“SEC. 1470B. SPECIAL RULES FOR ISSUANCE OF STOCK FOR 1992.

“The Secretary shall issue the stock required to be issued to the Secretary of [the] Treasury under this chapter with respect to the eligible State described in section 1465(c)(3)(A), for fiscal year 1992, on or before December 20, 1991.”

[Amendment by section 201(b), (c) of Pub. L. 102-237 to sections 1466 and 1470 of Pub. L. 101-624, set out above, effective as if included in the provision of the Food, Agriculture, Conservation, and Trade Act of 1990, Pub. L. 101-624, to which the amendment relates, see section 1101(b)(1) of Pub. L. 102-237, set out as an Effective Date of 1991 Amendment note under section 1421 of this title.]

Pub. L. 102-341, title VII, §730, Aug. 14, 1992, 106 Stat. 909, provided that: “For loan guarantees authorized under sections 1465-1469 of Public Law 101-624 [set out above] for the Agricultural Resource Conservation Demonstration Program, \$10,000,000. For the cost, as defined in section 502 of the Congressional Budget Act of 1974 [2 U.S.C. 661a], \$3,644,000: *Provided*, That, hereafter, no other funds are available in this or any other Act to carry out this program, other than those provided for in advance in Appropriations Acts, except for the cost of administering the program: *Provided further*, That such limitation shall not apply with respect to the duties and obligations of the Secretary regarding any loan or note guarantees, interest assistance agreements, or other understandings entered into during fiscal year 1992, and the personnel of the Department shall carry out the duties and obligations of the Secretary, and any other requirements imposed on the Secretary regarding such Agricultural Resource Conservation Demonstration Loan Program with respect to the loan made and guaranteed in 1992.”

#### § 4202. Identifying effects of Federal programs on conversion of farmland to nonagricultural uses

##### (a) Development of criteria to identify

The Department of Agriculture, in cooperation with other departments, agencies, independent commissions, and other units of the Federal Government, shall develop criteria for identifying the effects of Federal programs on the conversion of farmland to nonagricultural uses.

##### (b) Use of criteria to identify

Departments, agencies, independent commissions, and other units of the Federal Government shall use the criteria established under subsection (a) of this section, to identify the quantity of farmland actually converted by Federal programs, and to identify and take into account the adverse effects of Federal programs on the preservation of farmland; consider alternative actions, as appropriate, that could lessen such adverse effects; and assure that such Federal programs, to the extent practicable, are compatible with State, unit of local government, and private programs and policies to protect farmland.

**(c) Availability of restorative, etc., information**

The Department of Agriculture may make available to States, units of local government, individuals, organizations, and other units of the Federal Government information useful in restoring, maintaining, and improving the quantity and quality of farmland.

(Pub. L. 97-98, title XV, §1541, Dec. 22, 1981, 95 Stat. 1342; Pub. L. 101-624, title XIV, §1454, Nov. 28, 1990, 104 Stat. 3614.)

## AMENDMENTS

1990—Subsec. (b). Pub. L. 101-624 inserted “to identify the quantity of farmland actually converted by Federal programs, and” after “of this section.”.

**§ 4203. Existing policies and procedures; review, etc.**

(a) Each department, agency, independent commission, or other unit of the Federal Government, with the assistance of the Department of Agriculture, shall review current provisions of law, administrative rules and regulations, and policies and procedures applicable to it to determine whether any provision thereof will prevent such unit of the Federal Government from taking appropriate action to comply fully with the provisions of this chapter.

(b) Each department, agency, independent commission, or other unit of the Federal Government, with the assistance of the Department of Agriculture, shall, as appropriate, develop proposals for action to bring its programs, authorities, and administrative activities into conformity with the purpose and policy of this chapter.

(Pub. L. 97-98, title XIV, §1542, Dec. 22, 1981, 95 Stat. 1343.)

**§ 4204. Technical assistance**

The Secretary is encouraged to provide technical assistance to any State or unit of local government, or any nonprofit organization, as determined by the Secretary, that desires to develop programs or policies to limit the conversion of productive farmland to nonagricultural uses.

(Pub. L. 97-98, title XV, §1543, Dec. 22, 1981, 95 Stat. 1343.)

**§ 4205. Farmland resource information**

(a) The Secretary, through existing agencies or interagency groups, and in cooperation with the cooperative extension services of the States, shall design and implement educational programs and materials emphasizing the importance of productive farmland to the Nation's well-being and distribute educational materials through communications media, schools, groups, and other Federal agencies.

(b) The Secretary shall designate one or more farmland information centers to serve as central depositories and distribution points for information on farmland issues, policies, programs, technical principles, and innovative actions or proposals by local and State governments.

(Pub. L. 97-98, title XV, §1544, Dec. 22, 1981, 95 Stat. 1343.)

**§ 4206. Grants, contracts, etc., authority**

The Secretary may carry out the purposes of this chapter, with existing facilities and funds otherwise available, through the use of grants, contracts, or such other means as the Secretary deems appropriate.

(Pub. L. 97-98, title XV, §1545, Dec. 22, 1981, 95 Stat. 1343.)

**§ 4207. Reporting requirement**

On January 1, 1987, and at the beginning of each subsequent calendar year,<sup>1</sup> the Secretary of Agriculture shall report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives on the progress made in implementing the provisions of this chapter. Such report shall include information on—

(1) the effects, if any, of Federal programs, authorities, and administrative activities with respect to the protection of United States farmland; and

(2) the results of the reviews of existing policies and procedures required under section 4203(a) of this title.

(Pub. L. 97-98, title XV, §1546, Dec. 22, 1981, 95 Stat. 1343; Pub. L. 99-198, title XII, §1255(a), Dec. 23, 1985, 99 Stat. 1518.)

## AMENDMENTS

1985—Pub. L. 99-198 substituted “On January 1, 1987, and at the beginning of each subsequent calendar year.” for “Within one year after December 22, 1981.”.

**§ 4208. Limitations**

(a) This chapter does not authorize the Federal Government in any way to regulate the use of private or non-Federal land, or in any way affect the property rights of owners of such land.

(b) None of the provisions or other requirements of this chapter shall apply to the acquisition or use of farmland for national defense purposes during a national emergency.

(Pub. L. 97-98, title XV, §1547, Dec. 22, 1981, 95 Stat. 1344; Pub. L. 101-624, title XXV, §2502, Nov. 28, 1990, 104 Stat. 4066.)

## AMENDMENTS

1990—Subsec. (b). Pub. L. 101-624 inserted before period at end “during a national emergency”.

**§ 4209. Prohibition on maintenance of actions**

This chapter shall not be deemed to provide a basis for any action, either legal or equitable, by any person or class of persons challenging a Federal project, program, or other activity that may affect farmland: *Provided*, That the Governor of an affected State where a State policy or program exists to protect farmland may bring an action in the Federal district court of the district where a Federal program is proposed to enforce the requirements of section 4202 of this title and regulations issued pursuant thereto.

(Pub. L. 97-98, title XV, §1548, Dec. 22, 1981, 95 Stat. 1344; Pub. L. 99-198, title XII, §1255(b), Dec. 23, 1985, 99 Stat. 1518.)

<sup>1</sup> So in original. The period probably should be a comma.