

105TH CONGRESS
2D SESSION

H. R. 3566

To establish a pilot program to facilitate the protection and preservation of remaining open space and farmland in the mid-Atlantic States.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 1998

Mr. PAPPAS introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish a pilot program to facilitate the protection and preservation of remaining open space and farmland in the mid-Atlantic States.

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. SHORT TITLE.**

4 This Act may be cited as the “Mid-Atlantic Open
5 Space and Farmland Preservation Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Open space and farmland add beauty and
9 diversity to communities, increase the value of near-

1 by properties, and have numerous environmental
2 benefits.

3 (2) Land that is preserved as open space or
4 farmland requires fewer roads and schools and gen-
5 erates less need for mass transit and other govern-
6 ment expenses than developed land.

7 (3) Certain government policies, such as the
8 estate tax, directly contribute to the conversion of
9 remaining open space and farmland in the United
10 States.

11 (4) The densely populated mid-Atlantic States
12 have experienced considerable loss of open space and
13 farmland.

14 (5) Current local efforts to preserve open space
15 and farmland have been partially successful, but are
16 being outpaced by suburban sprawl.

17 (6) Open space and farmland preservation ef-
18 forts have been instrumental in preserving the qual-
19 ity of life in the mid-Atlantic States.

20 **SEC. 3. GRANTS FOR OPEN SPACE AND FARMLAND PRES-**
21 **ERVATION IN MID-ATLANTIC STATES.**

22 (a) DEFINITION OF MID-ATLANTIC STATE.—The
23 term “Mid-Atlantic State” means the State of Delaware,
24 Maryland, New Jersey, or Pennsylvania.

1 (b) GRANTS AUTHORIZED.—The Secretary of the In-
2 terior may make grants under this section to a mid-Atlan-
3 tic State (and units of local government in a mid-Atlantic
4 State) to assist the grant recipient to purchase land, devel-
5 opment rights, conservation and agricultural easements,
6 and similar property interests for the purpose of preserv-
7 ing open space and farmland in an area that the Secretary
8 determines—

9 (1) has a high population density;

10 (2) is under development pressure;

11 (3) faces the potential loss of an agricultural
12 use of land in the area; or

13 (4) is otherwise likely to be developed.

14 (c) GRANT BASIS.—Subject to the preference for
15 small communities specified in subsection (e), the Sec-
16 retary of the Interior shall select grant recipients on the
17 basis of development risk to the open space or farmland
18 proposed for acquisition using the grant, which the Sec-
19 retary shall determine on the basis of the factors contained
20 in paragraphs (1) through (4) of subsection (b).

21 (d) MAXIMUM AMOUNT.—The total amount of grant
22 funds that may be provided under this section to a single
23 mid-Atlantic State or a single unit of local government
24 may not exceed \$15,000,000 per fiscal year.

1 (e) PREFERENCE FOR SMALL COMMUNITIES.—Not
2 less than 75 percent of the grant funds awarded under
3 this section shall be provided, either directly or through
4 a mid-Atlantic State, to units of local government with
5 fewer than 10,000 persons.

6 (f) RETENTION OF LOCAL CONTROL.—No title to
7 land shall vest with the United States as a result of any
8 expenditures made using grant funds provided under this
9 section.

10 (g) APPLICATION.—

11 (1) IN GENERAL.—To request a grant under
12 this section, the chief executive of a mid-Atlantic
13 State or unit of local government shall submit an
14 application to the Secretary of the Interior in such
15 form and containing such information as the Sec-
16 retary may require.

17 (2) EMERGENCY APPLICATIONS.—A mid-Atlan-
18 tic State or unit of local government may designate
19 one application per year as an emergency application
20 to purchase land or an interest in land to prevent
21 the sale of certain open space or farmland for devel-
22 opment. The Secretary of the Interior shall consider,
23 and approve or disapprove, an emergency application
24 within 30 days of receipt.

1 (h) LIMITATION ON ADMINISTRATIVE EXPENSES.—
2 Not more than 3.5 percent of the funds made available
3 to a grant recipient under this section may be used for
4 administrative expenses.

5 (i) AUTHORIZATION FOR APPROPRIATIONS.—There
6 is authorized to be appropriated, from funds available in
7 the land and water conservation fund established under
8 section 2 of the Land and Water Conservation Fund Act
9 of 1965 (16 U.S.C. 460l-5), not less than \$50,000,000
10 for each of the fiscal years 1999 through 2003 to make
11 grants under this section.

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