

118TH CONGRESS
2D SESSION

H. R. 9602

To amend the Cooperative Forestry Assistance Act of 1978 to authorize States to approve certain organizations to acquire, hold, and manage conservation easements under the Forest Legacy Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 2024

Mr. GARAMENDI (for himself, Ms. KUSTER, Mr. COSTA, Mr. HUFFMAN, and Ms. BONAMICI) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Cooperative Forestry Assistance Act of 1978 to authorize States to approve certain organizations to acquire, hold, and manage conservation easements under the Forest Legacy Program, and for other purposes.

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 “Forest Legacy Man-
5 agement Flexibility Act”.

1 **SEC. 2. AUTHORITY OF STATES TO ALLOW QUALIFIED OR-**
2 **GANIZATIONS TO ACQUIRE, HOLD, AND MAN-**
3 **AGE CONSERVATION EASEMENTS UNDER**
4 **THE FOREST LEGACY PROGRAM.**

5 (a) STATE AUTHORIZATION.—Section 7 of the Coop-
6 erative Forestry Assistance Act of 1978 (16 U.S.C.
7 2103c) is amended—

8 (1) in subsection (l)—

9 (A) in paragraph (2), by striking “sub-
10 section (m)” and inserting “subsection (o)”;
11 and

12 (B) in paragraph (3)—

13 (i) in subparagraph (A), by striking
14 “the State of Vermont” and inserting “any
15 State”; and

16 (ii) in subparagraph (B)(ii), in the
17 matter preceding subclause (I), by striking
18 “of Vermont” and inserting “involved”;

19 (2) by redesignating subsection (m) as sub-
20 section (o); and

21 (3) by inserting after subsection (l) the fol-
22 lowing:

23 “(m) THIRD-PARTY CONSERVATION EASEMENTS.—

24 “(1) IN GENERAL.—At the request of a State,
25 the Secretary shall authorize the State to approve el-
26 igible qualified organizations to acquire, hold, and

1 manage conservation easements to carry out activi-
2 ties under the Forest Legacy Program.

3 “(2) ELIGIBILITY.—To be eligible to acquire,
4 hold, and manage a conservation easement under
5 this subsection, a qualified organization shall dem-
6 onstrate to the Secretary the abilities necessary to
7 acquire, monitor, and enforce interests in
8 forestland—

9 “(A) consistent with the Forest Legacy
10 Program; and

11 “(B) in accordance with the applicable as-
12 sessment of need submitted to the Secretary by
13 the State in which the conservation easement is
14 located.

15 “(3) REVERSION.—If the Secretary or a State
16 determines a condition described in paragraph (4) is
17 met with respect to a conservation easement—

18 “(A) all right, title, and interest of the
19 qualified organization in and to the conserva-
20 tion easement shall terminate; and

21 “(B) all right, title, and interest in and to
22 the conservation easement shall revert to the
23 State or, if approved by the State, another
24 qualified organization determined eligible by the
25 Secretary under paragraph (2).

1 “(4) CONDITIONS FOR REVERSION.—A condi-
2 tion described in this paragraph is, with respect to
3 a conservation easement acquired, held, and man-
4 aged by a qualified organization, any of the fol-
5 lowing:

6 “(A) The qualified organization is unable
7 to carry out the responsibilities of the qualified
8 organization under the Forest Legacy Program
9 with respect to the conservation easement.

10 “(B) The conservation easement has been
11 modified in a way that is inconsistent with the
12 purposes of the Forest Legacy Program or the
13 applicable assessment of need described in para-
14 graph (2)(B).

15 “(C) The conservation easement has been
16 conveyed to another person (other than a quali-
17 fied organization determined eligible by the Sec-
18 retary under paragraph (2) and approved by
19 the State).

20 “(n) QUALIFIED ORGANIZATION DEFINED.—In this
21 section, the term ‘qualified organization’ means an organi-
22 zation that—

23 “(1) is a qualified organization, as defined in
24 section 170(h)(3) of the Internal Revenue Code of
25 1986;

1 “(2) is organized for, and at all times since the
2 formation of the organization, has been operated
3 principally for one or more of the conservation pur-
4 poses described in section 170(h)(4)(A) of such
5 Code;

6 “(3) has not been the subject of any criminal
7 or civil enforcement action taken by the Attorney
8 General of the United States or the Commissioner of
9 the Internal Revenue Service pertaining to the chari-
10 table donation of conservation easements under such
11 Code; and

12 “(4) has been awarded, and at all times there-
13 after maintained, accredited status by the Land
14 Trust Accreditation Commission, or if such Commis-
15 sion ceases to exist, a successor organization that of-
16 fers substantially similar accreditation and is ap-
17 proved by the Secretary for purposes of this sec-
18 tion.”.

19 (b) TECHNICAL CORRECTIONS.—Section 7 of the Co-
20 operative Forestry Assistance Act of 1978 (16 U.S.C.
21 2103c) is further amended—

22 (1) in subsection (i), by striking “subsection
23 (b)” and inserting “subsection (c)”;

24 (2) in subsection (l)(3)(B)(i)(II), by inserting
25 “and” after the semi-colon at the end; and

1 (3) in the header of subsection (o), as redesign-
2 nated by this section, by striking “APPROPRIATION”
3 and inserting “AUTHORIZATION OF APPROPRIA-
4 TIONS”.

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