

119TH CONGRESS
1ST SESSION

S. 2566

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 SENATE OF THE UNITED STATES

JULY 31, 2025

Mr. PADILLA (for himself and Mr. SHEEHY) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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)(A), by striking “sub-
 10 section (m)” and inserting “subsection (n)”;
 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 “State of Vermont” and inserting “appli-
 19 cable State”;

20 (2) by redesignating subsection (m) as sub-
 21 section (n); and

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

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

1 “(1) DEFINITION OF QUALIFIED ORGANIZA-
2 TION.—In this subsection, the term ‘qualified orga-
3 nization’ means an organization that—

4 “(A) is a qualified organization (as defined
5 in section 170(h)(3) of the Internal Revenue
6 Code of 1986);

7 “(B) is organized for, and at all times
8 since the formation of the organization has
9 been operated principally for, one or more con-
10 servation purposes (as defined in section
11 170(h)(4)(A) of that Code);

12 “(C) has not been the subject of any crimi-
13 nal or civil enforcement action taken by the At-
14 torney General or the Commissioner of the In-
15 ternal Revenue Service pertaining to the chari-
16 table donation of conservation easements under
17 that Code; and

18 “(D) has been awarded, and at all times
19 thereafter has maintained, accredited status by
20 the Land Trust Accreditation Commission, or if
21 that Commission ceases to exist, a successor or-
22 ganization that offers substantially similar ac-
23 creditation and is approved by the Secretary for
24 purposes of this section.

1 “(2) AUTHORIZATION.—At the request of a
2 State, the Secretary shall authorize the State to ap-
3 prove eligible qualified organizations to acquire,
4 hold, and manage conservation easements to carry
5 out activities under the Forest Legacy Program.

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

12 “(A) consistent with the Forest Legacy
13 Program; and

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

18 “(4) REVERSION.—If the Secretary or a State
19 determines a condition described in paragraph (5) is
20 met with respect to a conservation easement—

21 “(A) all right, title, and interest of the
22 qualified organization in and to the conserva-
23 tion easement shall terminate; and

24 “(B) all right, title, and interest in and to
25 the conservation easement shall revert to the

1 State or, if approved by the State, another
2 qualified organization determined eligible by the
3 Secretary under paragraph (3).

4 “(5) CONDITIONS FOR REVERSION.—A condi-
5 tion referred to in paragraph (4) is, with respect to
6 a conservation easement acquired, held, and man-
7 aged by a qualified organization under this sub-
8 section, any of the following:

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

13 “(B) The conservation easement has been
14 modified in a way that is inconsistent with the
15 purposes of the Forest Legacy Program or the
16 applicable assessment of need described in para-
17 graph (3)(B).

18 “(C) The conservation easement has been
19 conveyed to another person (other than a quali-
20 fied organization determined eligible by the Sec-
21 retary under paragraph (3) and approved by
22 the State).”.

23 (b) TECHNICAL CORRECTIONS.—Section 7 of the Co-
24 operative Forestry Assistance Act of 1978 (16 U.S.C.
25 2103c) is amended—

1 (1) in subsection (i), in the first sentence, by
2 striking “subsection (b)” and inserting “subsection
3 (c)”;

4 (2) in subsection (l)(3)(B)(i)(II), by adding
5 “and” after the semicolon at the end; and

6 (3) in subsection (n) (as redesignated by sub-
7 section (a)(2)), in the subsection heading, by strik-
8 ing “APPROPRIATION” and inserting “AUTHORIZA-
9 TION OF APPROPRIATIONS”.

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