

119TH CONGRESS
1ST SESSION

S. _____

To amend the Food Security Act of 1985 to require the Secretary of Agriculture to establish a Forest Conservation Easement Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. GILLIBRAND (for herself and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Food Security Act of 1985 to require the Secretary of Agriculture to establish a Forest Conservation Easement 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 Conservation
5 Easement Program Act of 2025”.

6 **SEC. 2. FOREST CONSERVATION EASEMENT PROGRAM.**

7 (a) IN GENERAL.—Title XII of the Food Security
8 Act of 1985 (16 U.S.C. 3801 et seq.) is amended—

1 (1) by redesignating subtitle I (16 U.S.C. 3871
2 et seq.) as subtitle J; and

3 (2) by inserting after subtitle H (16 U.S.C.
4 3865 et seq.) the following:

5 **“Subtitle I—Forest Conservation**
6 **Easement Program**

7 **“SEC. 1267. DEFINITIONS.**

8 “In this subtitle:

9 “(1) ACREAGE OWNED BY AN INDIAN TRIBE.—

10 The term ‘acreage owned by an Indian Tribe’
11 means—

12 “(A) land that is held in trust by the
13 United States for an Indian Tribe or individual
14 Indian;

15 “(B) land the title to which is held by an
16 Indian Tribe or individual Indian, subject to a
17 Federal restriction against alienation or encum-
18 brance;

19 “(C) land that is subject to rights of use,
20 occupancy, and benefit of 1 or more Indian
21 Tribes;

22 “(D) land that is held in fee title by an In-
23 dian Tribe;

24 “(E) land that is owned by a Native cor-
25 poration established under—

1 “(i) section 17 of the Act of June 18,
2 1934 (commonly known as the ‘Indian Re-
3 organization Act’) (25 U.S.C. 5124); or

4 “(ii) section 8 of the Alaska Native
5 Claims Settlement Act (43 U.S.C. 1607);
6 and

7 “(F) any combination of 1 or more types
8 of land described in subparagraphs (A) through
9 (E).

10 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
11 tity’ means—

12 “(A) an agency of State or local govern-
13 ment or an Indian Tribe (including a land re-
14 source council established under State law); and

15 “(B) an organization that is—

16 “(i) organized for, and at all times
17 since the formation of the organization has
18 been operated principally for, 1 or more of
19 the conservation purposes specified in
20 clause (i), (ii), (iii), or (iv) of section
21 170(h)(4)(A) of the Internal Revenue Code
22 of 1986;

23 “(ii) an organization described in sec-
24 tion 501(c)(3) of that Code that is exempt

1 from taxation under section 501(a) of that
2 Code; or

3 “(iii) described in—

4 “(I) paragraph (1) or (2) of sec-
5 tion 509(a) of that Code; or

6 “(II) section 509(a)(3) of that
7 Code, and is controlled by an organi-
8 zation described in section 509(a)(2)
9 of that Code.

10 “(3) ELIGIBLE LAND.—The term ‘eligible land’
11 means private land or acreage owned by an Indian
12 Tribe—

13 “(A) that is—

14 “(i) forest land; or

15 “(ii) being restored to forest land;

16 “(B) in the case of a forest land ease-
17 ment—

18 “(i) the enrollment of which would
19 protect working forests and related con-
20 servation values by conserving land; or

21 “(ii) the protection of which will fur-
22 ther a State or local policy in accordance
23 with the purposes of the Program; and

1 “(C) in the case of a forest reserve ease-
2 ment, the enrollment of which will maintain, re-
3 store, enhance, or otherwise measurably—

4 “(i) increase the likelihood of recovery
5 of a species that is listed as endangered or
6 threatened under section 4 of the Endan-
7 gered Species Act of 1973 (16 U.S.C.
8 1533); or

9 “(ii) improve the well-being of a spe-
10 cies that—

11 “(I) is not listed as endangered
12 or threatened under that section; but

13 “(II)(aa) is a candidate for that
14 listing or listing as a State-listed spe-
15 cies or a species of special concern; or

16 “(bb) is designated by a State
17 wildlife action plan as a species of
18 greatest conservation need.

19 “(4) FOREST LAND EASEMENT.—The term ‘for-
20 est land easement’ means an easement or other in-
21 terest in eligible land that—

22 “(A) is conveyed to an eligible entity for
23 the purpose of protecting the natural resources
24 and forest nature of the eligible land; and

1 “(B) permits the landowner the right to
2 continue working forest production and related
3 uses, in accordance with an applicable forest
4 management plan.

5 “(5) FOREST MANAGEMENT PLAN.—The term
6 ‘forest management plan’ means—

7 “(A) a forest stewardship plan described in
8 section 5(f) of the Cooperative Forestry Assist-
9 ance Act of 1978 (16 U.S.C. 2103a(f));

10 “(B) a forest plan approved by the applica-
11 ble State forester or State forestry agency;

12 “(C) a forest plan developed under a third-
13 party certification system determined appro-
14 priate by the Secretary; and

15 “(D) any other plan determined appro-
16 priate by the Secretary.

17 “(6) FOREST RESERVE EASEMENT.—The term
18 ‘forest reserve easement’ means an easement or
19 other interest in eligible land that—

20 “(A) is conveyed by the landowner to the
21 Secretary for the purpose of protecting the nat-
22 ural resources and forest nature of the eligible
23 land; and

24 “(B) permits the landowner the right to
25 continue working forest production and related

1 uses, in accordance with the applicable forest
2 reserve easement plan developed under section
3 1267C(e)(1).

4 “(7) PROGRAM.—The term ‘Program’ means
5 the Forest Conservation Easement Program estab-
6 lished under section 1267A(a).

7 “(8) SOCIALLY DISADVANTAGED FOREST LAND-
8 OWNER.—The term ‘socially disadvantaged forest
9 landowner’ means a forest landowner who is a mem-
10 ber of a socially disadvantaged group (as defined in
11 section 2501(a) of the Food, Agriculture, Conserva-
12 tion, and Trade Act of 1990 (7 U.S.C. 2279(a))).

13 **“SEC. 1267A. ESTABLISHMENT AND PURPOSES.**

14 “(a) ESTABLISHMENT.—The Secretary shall estab-
15 lish a program, to be known as the ‘Forest Conservation
16 Easement Program’, for the conservation and restoration
17 of eligible land and natural resources through the acqui-
18 sition of forest land easements or forest reserve easements.

19 “(b) PURPOSES.—The purposes of the Program
20 are—

21 “(1) to protect the viability and sustainability
22 of working forests and related conservation values of
23 eligible land by limiting the negative effects of non-
24 forest uses;

1 “(2) to protect and enhance forest ecosystem
2 and landscape functions and values;

3 “(3) to promote the restoration, protection, and
4 improvement of habitats of species that are threat-
5 ened, endangered, or otherwise at-risk; and

6 “(4) to carry out the purposes and functions of
7 the healthy forests reserve program established
8 under title V of the Healthy Forests Restoration Act
9 of 2003 (16 U.S.C. 6571 et seq.) (as in effect on the
10 day before the date of enactment of this section).

11 **“SEC. 1267B. FOREST LAND EASEMENTS.**

12 “(a) AUTHORIZATION.—As part of the Program, the
13 Secretary shall facilitate and provide funding in accord-
14 ance with this section for—

15 “(1) the purchase by eligible entities of forest
16 land easements on eligible land;

17 “(2) the development of forest management
18 plans; and

19 “(3) technical assistance to implement this sec-
20 tion.

21 “(b) APPLICATIONS.—

22 “(1) IN GENERAL.—To be eligible to receive as-
23 sistance under this section, an eligible entity shall
24 submit to the Secretary an application at such time,

1 in such manner, and containing such information as
2 the Secretary may require.

3 “(2) CRITERIA.—

4 “(A) IN GENERAL.—The Secretary shall
5 establish evaluation and ranking criteria with
6 respect to applications submitted under this
7 subsection to maximize the benefit of Federal
8 investments under the Program.

9 “(B) CONSIDERATIONS.—In establishing
10 the criteria under subparagraph (A), the Sec-
11 retary shall emphasize support for—

12 “(i) protecting working forests and re-
13 lated conservation values of eligible land;

14 “(ii) reducing fragmentation of forest
15 land; and

16 “(iii) maximizing the areas protected
17 from conversion to nonforest uses.

18 “(3) PRIORITY.—In evaluating applications
19 under this subsection, the Secretary shall give pri-
20 ority to an application for the purchase of a forest
21 land easement—

22 “(A) that maintains the viability of a
23 working forest, as determined by the Secretary;
24 and

1 “(B) on eligible land for which a forest
2 management plan has been developed at the
3 time of application.

4 “(4) FOREST MANAGEMENT PLAN.—

5 “(A) IN GENERAL.—If eligible land pro-
6 posed to be subject to a forest land easement
7 under the Program does not have in effect a
8 forest management plan on the date on which
9 an application relating to the eligible land is
10 submitted under this subsection, the landowner,
11 in partnership with the applicable eligible enti-
12 ty, shall develop a forest management plan for
13 that eligible land as a condition of acquisition
14 of the forest land easement.

15 “(B) REIMBURSEMENT.—The Secretary
16 may reimburse a landowner for the cost of de-
17 velopment of a forest management plan under
18 subparagraph (A).

19 “(5) TREATMENT.—The Secretary may evalu-
20 ate and rank applications submitted under this sub-
21 section by eligible entities for the purchase of forest
22 land easements from landowners who are socially
23 disadvantaged forest landowners separately from ap-
24 plications submitted for the purchase of forest land
25 easements from other landowners.

1 “(c) COST-SHARE ASSISTANCE.—

2 “(1) IN GENERAL.—On approval of an applica-
3 tion of an eligible entity under subsection (b), the
4 Secretary shall provide to the eligible entity cost-
5 share assistance for purchasing 1 or more forest
6 land easements on the eligible land that is the sub-
7 ject of the application.

8 “(2) AGREEMENTS.—

9 “(A) IN GENERAL.—As a condition of re-
10 ceipt of cost-share assistance under the Pro-
11 gram, an eligible entity shall enter into an
12 agreement with the Secretary to stipulate the
13 terms and conditions under which the eligible
14 entity is permitted to use the cost-share assist-
15 ance.

16 “(B) DURATION.—An agreement under
17 subparagraph (A) shall be for a term of not less
18 than 3, but not more than 5, years, unless the
19 Secretary determines that a longer term is jus-
20 tified.

21 “(C) MINIMUM TERMS AND CONDITIONS.—

22 An eligible entity shall be authorized to use
23 such terms and conditions as the eligible entity
24 determines to be appropriate for a forest land
25 easement purchased using assistance under this

1 section, subject to the condition that the Sec-
2 retary shall determine that those terms and
3 conditions—

4 “(i) are consistent with—

5 “(I) the purposes of the Pro-
6 gram; and

7 “(II) the forestry activities to be
8 conducted on the eligible land;

9 “(ii) permit effective enforcement of
10 the conservation purposes of the forest
11 land easement;

12 “(iii) include a requirement to imple-
13 ment a forest management plan on eligible
14 land subject to the forest land easement,
15 subject to the condition that the forest
16 management plan shall not be incorporated
17 in, or attached to, the deed for the forest
18 land easement;

19 “(iv) include a limit on the impervious
20 surfaces to be allowed that is consistent
21 with the forestry activities to be conducted;
22 and

23 “(v) include a right of enforcement for
24 the Secretary that—

1 “(I) may be used only if the
2 terms and conditions of the forest
3 land easement are not enforced by the
4 eligible entity; and

5 “(II) does not extend to a right
6 of inspection unless—

7 “(aa)(AA) the holder of the
8 forest land easement fails to pro-
9 vide monitoring reports in a
10 timely manner; or

11 “(BB) the Secretary has a
12 reasonable and articulable belief
13 that the terms and conditions of
14 the forest land easement have
15 been violated; and

16 “(bb) prior to the inspection,
17 the Secretary notifies the eligible
18 entity and the landowner of the
19 inspection and provides a reason-
20 able opportunity for the eligible
21 entity and the landowner to par-
22 ticipate in the inspection.

23 “(D) ADDITIONAL TERMS AND CONDI-
24 TIONS.—An eligible entity may include any ad-
25 ditional terms and conditions for a forest land

1 easement purchased using assistance under this
2 section that—

3 “(i) are intended to keep the eligible
4 land subject to the forest land easement in
5 active forest management, as determined
6 by the Secretary;

7 “(ii) allow subsurface mineral develop-
8 ment on the eligible land subject to the
9 forest land easement, in accordance with
10 applicable State law, if the Secretary deter-
11 mines that—

12 “(I) the subsurface mineral de-
13 velopment—

14 “(aa) has a limited and lo-
15 calized impact;

16 “(bb) does not harm the for-
17 est use and conservation values
18 of the eligible land;

19 “(cc) does not materially
20 alter or affect the existing topog-
21 raphy;

22 “(dd) complies with a sub-
23 surface mineral development plan
24 that—

1 “(AA) includes a plan
2 for the remediation of im-
3 pacts to the forest use and
4 conservation values of the el-
5 igible land; and

6 “(BB) is approved by
7 the Secretary prior to the
8 initiation of mineral develop-
9 ment activity;

10 “(ee) is not accomplished by
11 any surface mining method;

12 “(ff) is within the imper-
13 vious surface limits of the forest
14 land easement under subpara-
15 graph (C)(iv); and

16 “(gg) uses practices and
17 technologies that minimize the
18 duration and intensity of impacts
19 to the forest use and conserva-
20 tion values of the eligible land;
21 and

22 “(II) each area impacted by the
23 subsurface mineral development is re-
24 claimed and restored by the holder of

1 the mineral rights at cessation of op-
2 eration; and

3 “(iii) include other relevant activities
4 relating to the forest land easement, as de-
5 termined by the Secretary.

6 “(E) SUBSTITUTION OF QUALIFIED
7 PROJECTS.—An agreement under subparagraph
8 (A) shall allow, on mutual agreement of the
9 parties, substitution of qualified projects that
10 are identified at the time of the proposed sub-
11 stitution.

12 “(F) EFFECT OF VIOLATION.—If a viola-
13 tion of a term or condition of an agreement
14 under subparagraph (A) occurs, the Secretary
15 may—

16 “(i) terminate the agreement; and

17 “(ii) require the eligible entity to re-
18 fund all, or any part of, the payments re-
19 ceived by the eligible entity under the Pro-
20 gram, with interest on the payments as de-
21 termined to be appropriate by the Sec-
22 retary.

23 “(3) SCOPE.—

24 “(A) FEDERAL SHARE.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), an agreement under
3 paragraph (2) shall provide for a Federal
4 share of 50 percent of the fair market
5 value of the forest land easement, as deter-
6 mined by the Secretary.

7 “(ii) EXCEPTION.—An agreement
8 under paragraph (2) may provide for a
9 Federal share of not more than 75 percent
10 of the fair market value of a forest land
11 easement in the case of eligible land that
12 is—

13 “(I) a forest of special environ-
14 mental significance, as determined by
15 the Secretary; or

16 “(II) owned by a socially dis-
17 advantaged forest landowner.

18 “(B) NON-FEDERAL SHARE.—

19 “(i) IN GENERAL.—Under an agree-
20 ment under paragraph (2), the eligible en-
21 tity shall provide a non-Federal share that
22 is equivalent to the remainder of the fair
23 market value of the forest land easement
24 not provided by the Secretary under sub-
25 paragraph (A).

1 “(ii) PERMISSIBLE FORMS.—The non-
2 Federal share provided by an eligible entity
3 under this subparagraph may comprise—

4 “(I) cash resources;

5 “(II) a charitable donation or
6 qualified conservation contribution (as
7 defined in section 170(h) of the Inter-
8 nal Revenue Code of 1986) from the
9 private forest landowner from whom
10 the forest land easement will be pur-
11 chased;

12 “(III) costs associated with se-
13 curing a deed to the forest land ease-
14 ment, including the costs of appraisal,
15 survey, inspection, and title; and

16 “(IV) other costs, as determined
17 by the Secretary.

18 “(C) DETERMINATION OF FAIR MARKET
19 VALUE.—For purposes of this paragraph, the
20 Secretary shall determine the fair market value
21 of a forest land easement using—

22 “(i) the Uniform Standards of Profes-
23 sional Appraisal Practice;

24 “(ii) an areawide market analysis or
25 survey; or

1 “(iii) another industry-approved meth-
2 od.

3 “(d) METHODS OF ENROLLMENT.—On acquisition of
4 a forest land easement by an eligible entity using assist-
5 ance provided under this section, the Secretary shall enroll
6 the eligible land subject to the forest land easement in the
7 Program through the use of—

8 “(1) a permanent easement; or

9 “(2) an easement for the maximum duration al-
10 lowed under applicable State law.

11 “(e) TECHNICAL ASSISTANCE.—The Secretary may
12 provide technical assistance, on request, to assist in com-
13 pliance with the terms and conditions of a forest land
14 easement under this section.

15 **“SEC. 1267C. FOREST RESERVE EASEMENTS.**

16 “(a) AUTHORIZATION.—As part of the Program, the
17 Secretary shall provide to landowners of eligible land as-
18 sistance to restore, protect, and enhance the eligible land
19 through—

20 “(1) acquisition by the Secretary of forest re-
21 serve easements on eligible land;

22 “(2) assistance in developing forest reserve
23 easement plans under subsection (e); and

24 “(3) technical assistance to implement this sec-
25 tion.

1 “(b) OFFERS.—

2 “(1) IN GENERAL.—To be eligible to grant to
3 the Secretary a forest reserve easement under this
4 section, a landowner of eligible land shall submit to
5 the Secretary an offer at such time, in such manner,
6 and containing such information as the Secretary
7 may require.

8 “(2) CRITERIA.—The Secretary shall establish
9 evaluation and ranking criteria with respect to offers
10 submitted under this subsection.

11 “(3) PRIORITY.—In evaluating offers under this
12 subsection, the Secretary shall give priority to an
13 offer for a forest reserve easement that provides the
14 greatest conservation benefit—

15 “(A) primarily, to a species listed as en-
16 dangered or threatened under section 4 of the
17 Endangered Species Act of 1973 (16 U.S.C.
18 1533); and

19 “(B) secondarily, to any species that—

20 “(i) is not listed as endangered or
21 threatened under that section; but

22 “(ii)(I) is a candidate for that listing
23 or listing as a State-listed species or spe-
24 cies of special concern; or

1 “(II) is designated by a State wildlife
2 action plan as a species of greatest con-
3 servation need.

4 “(4) OTHER CONSIDERATIONS.—The Secretary
5 may give additional consideration to eligible land the
6 enrollment under this section of which will—

7 “(A) improve biological diversity;

8 “(B) restore a native forest ecosystem;

9 “(C) conserve forest land that provides a
10 habitat for any species described in paragraph
11 (3);

12 “(D) reduce fragmentation of forest land;

13 or

14 “(E) increase carbon sequestration.

15 “(5) TREATMENT.—The Secretary may evalu-
16 ate and rank offers submitted under this subsection
17 by landowners who are socially disadvantaged forest
18 landowners separately from offers submitted by
19 other landowners.

20 “(c) METHODS OF ENROLLMENT.—

21 “(1) IN GENERAL.—On approval of an offer
22 under subsection (b), the Secretary shall enroll the
23 eligible land that is the subject of that offer in a for-
24 est reserve easement under the Program through the
25 use of—

1 “(A) a permanent easement;

2 “(B) a 30-year easement;

3 “(C) an easement for the maximum dura-
4 tion allowed under applicable State law; or

5 “(D) in the case of acreage owned by an
6 Indian Tribe—

7 “(i) a 30-year contract, the compensa-
8 tion for which shall be equivalent to the
9 compensation for a 30-year easement; or

10 “(ii) a permanent easement.

11 “(2) LIMITATION.—Not more than 10 percent
12 of amounts made available to carry out this section
13 for a fiscal year may be used for 30-year easements
14 under this subsection.

15 “(d) EASEMENTS.—

16 “(1) TERMS AND CONDITIONS.—

17 “(A) IN GENERAL.—A forest reserve ease-
18 ment shall include terms and conditions that—

19 “(i) are consistent with the purposes
20 of the Program and the forestry activities
21 to be conducted on the eligible land;

22 “(ii) are consistent with—

23 “(I) the management objectives
24 of the landowner of the eligible land;
25 and

1 “(II) the implementation of the
2 relevant forest reserve easement plan
3 developed under subsection (e)(1);

4 “(iii) permit effective enforcement of
5 the conservation purposes of forest reserve
6 easements;

7 “(iv) provide for the efficient and ef-
8 fective establishment or enhancement of
9 forest ecosystem functions and values; and

10 “(v) include such additional provisions
11 as the Secretary determines to be appro-
12 priate—

13 “(I) to carry out the Program; or

14 “(II) to facilitate the practical
15 administration of the Program.

16 “(B) REQUESTED TERMS AND CONDI-
17 TIONS.—A landowner of eligible land may re-
18 quest that a term or condition be included in a
19 forest reserve easement, and the Secretary may
20 include the term or condition, if the Secretary
21 determines that the term or condition—

22 “(i) is consistent with—

23 “(I) the management objectives
24 of the landowner; and

1 “(II) the implementation of the
2 relevant forest reserve easement plan;
3 and

4 “(ii) does not conflict with any term
5 or condition included under subparagraph
6 (A).

7 “(2) COMPENSATION.—

8 “(A) PERMANENT EASEMENTS.—In the
9 case of eligible land enrolled in a permanent
10 easement under this section, the Secretary shall
11 pay to the landowner of the eligible land an
12 amount equal to the difference between, as de-
13 termined by the Secretary—

14 “(i) the fair market value of the eligi-
15 ble land before enrollment in the perma-
16 nent easement; and

17 “(ii) the fair market value of the eligi-
18 ble land as encumbered by the permanent
19 easement.

20 “(B) OTHER.—The Secretary shall pay to
21 the landowner of eligible land enrolled under
22 this section in a 30-year contract, a 30-year
23 easement, or an easement for the maximum du-
24 ration allowed under applicable State law not
25 less than 50 percent, and not more than 75

1 percent, of the compensation that would be paid
2 under subparagraph (A) if the land were en-
3 rolled in a permanent easement under this sec-
4 tion.

5 “(C) DETERMINATION OF FAIR MARKET
6 VALUE.—For purposes of this paragraph, the
7 Secretary shall determine the fair market value
8 of eligible land using—

9 “(i) the Uniform Standards of Profes-
10 sional Appraisal Practice; or

11 “(ii) another industry-approved meth-
12 od.

13 “(e) FOREST RESERVE EASEMENT PLANS.—

14 “(1) IN GENERAL.—Eligible land enrolled in a
15 forest reserve easement under this section shall be
16 subject to a forest reserve easement plan, to be de-
17 veloped jointly by the landowner and the Secretary,
18 that describes such activities to be carried out on the
19 eligible land as are necessary to restore, maintain,
20 and enhance habitat for species described in sub-
21 section (b)(3).

22 “(2) PRACTICES AND MEASURES.—A forest re-
23 serve easement plan under paragraph (1) may in-
24 clude, with respect to the eligible land subject to the
25 plan—

1 “(A) vegetative management and
2 silviculture practices;

3 “(B) structural practices and measures;

4 “(C) practices to increase carbon seques-
5 tration;

6 “(D) practices to improve biological diver-
7 sity; and

8 “(E) other practices and measures, as de-
9 termined by the Secretary.

10 “(3) FINANCIAL ASSISTANCE.—

11 “(A) IN GENERAL.—The Secretary shall
12 provide to landowners of eligible land enrolled
13 in a forest reserve easement under this section
14 financial assistance to carry out the activities,
15 practices, and measures described in the forest
16 reserve easement plan developed for the eligible
17 land under paragraph (1).

18 “(B) PAYMENTS.—With respect to finan-
19 cial assistance under subparagraph (A), the
20 Secretary shall pay—

21 “(i) in the case of a forest reserve
22 easement plan for eligible land enrolled in
23 a permanent easement, an amount equal to
24 not more than 100 percent of the eligible

1 costs described in subparagraph (C), as de-
2 termined by the Secretary; and

3 “(ii) in the case of a forest reserve
4 easement plan for eligible land enrolled in
5 a 30-year contract, a 30-year easement, or
6 an easement for the maximum duration al-
7 lowed under applicable State law, an
8 amount equal to not less than 50 percent,
9 and not more than 75 percent, of the eligi-
10 ble costs described in subparagraph (C), as
11 determined by the Secretary.

12 “(C) ELIGIBLE COSTS.—The costs eligible
13 for payments under this paragraph are the
14 costs of activities, practices, and measures de-
15 scribed in the applicable forest reserve easement
16 plan that are associated with restoration or en-
17 hancement of the habitat conditions specified
18 for the applicable species described in the forest
19 reserve easement plan.

20 “(D) TIMING.—

21 “(i) DETERMINATION.—As soon as
22 practicable after the commencement on eli-
23 gible land enrolled in a forest reserve ease-
24 ment of an activity, practice, or measure
25 described in subparagraph (C), the Sec-

1 retary shall determine whether the activity,
2 practice, or measure is established in ac-
3 cordance with appropriate standards and
4 specifications.

5 “(ii) PAYMENT.—A payment under
6 this paragraph shall be made for an activ-
7 ity, practice, or measure only, and as soon
8 as practicable, after the Secretary makes a
9 positive determination under clause (i)
10 with respect to that activity, practice, or
11 measure.

12 “(E) LIMITATIONS.—A payment provided
13 by the Secretary to a landowner of eligible land
14 under this paragraph may not exceed \$500,000
15 per easement or contract of the landowner, as
16 applicable.

17 “(f) PROTECTIONS AND MEASURES.—

18 “(1) PROTECTIONS.—In the case of a land-
19 owner who enrolls eligible land in a forest reserve
20 easement, and whose conservation activities under
21 the forest reserve easement plan developed for that
22 eligible land result in a net conservation benefit for
23 a species described in subsection (b)(3), the Sec-
24 retary shall make available to the landowner safe
25 harbor or similar assurances and protection under—

1 “(A) section 7(b)(4) of the Endangered
2 Species Act of 1973 (16 U.S.C. 1536(b)(4)); or

3 “(B) section 10(a)(1) of that Act (16
4 U.S.C. 1539(a)(1)).

5 “(2) MEASURES.—If protection under para-
6 graph (1) requires the taking of measures that are
7 in addition to the measures covered by the forest re-
8 serve easement plan developed for the applicable eli-
9 gible land, the cost of the additional measures, and
10 the cost of any related permit, shall be considered to
11 be costs eligible for payments under subsection
12 (e)(2).

13 “(g) TECHNICAL ASSISTANCE.—

14 “(1) IN GENERAL.—The Secretary shall provide
15 to landowners of eligible land technical assistance to
16 assist the landowners in—

17 “(A) developing a forest reserve easement
18 plan under subsection (e); and

19 “(B) complying with the terms and condi-
20 tions of a forest reserve easement, including the
21 implementation of a forest reserve easement
22 plan.

23 “(2) CONTRACTS OR AGREEMENTS.—The Sec-
24 retary may enter into 1 or more contracts with pri-
25 vate entities or agreements with a State, nongovern-

1 mental organization, or Indian Tribe to provide tech-
2 nical assistance described in paragraph (1), if the
3 Secretary determines that the contract or agreement
4 will advance the purposes of the Program.

5 “(h) ADMINISTRATIVE PROVISIONS.—

6 “(1) DELEGATION.—

7 “(A) FEDERAL AND STATE AGENCIES.—

8 The Secretary may delegate any of the manage-
9 ment, monitoring, or enforcement responsibil-
10 ities of the Secretary under this section to an-
11 other Federal agency or a State agency that
12 has the appropriate authority, expertise, and re-
13 sources necessary to carry out the delegated re-
14 sponsibilities.

15 “(B) CONSERVATION ORGANIZATIONS.—

16 The Secretary may delegate any of the manage-
17 ment responsibilities of the Secretary under this
18 section to a nonprofit conservation organization,
19 if the Secretary determines that the organiza-
20 tion has the appropriate expertise and resources
21 necessary to carry out the delegated responsibil-
22 ities.

23 “(2) INVOLVEMENT BY OTHER AGENCIES AND
24 ORGANIZATIONS.—In carrying out this section, the
25 Secretary may consult with—

- 1 “(A) private forest landowners;
- 2 “(B) other Federal agencies;
- 3 “(C) State forestry agencies;
- 4 “(D) State fish and wildlife agencies;
- 5 “(E) State environmental quality agencies;
- 6 “(F) other State conservation agencies;
- 7 and
- 8 “(G) nonprofit conservation organizations.

9 **“SEC. 1267D. ADMINISTRATION.**

10 “(a) INELIGIBLE LAND.—

11 “(1) IN GENERAL.—The Secretary shall not use

12 amounts made available to carry out the Program

13 for purposes of acquiring any easement on—

14 “(A) land owned by a Federal agency,

15 other than land that is acreage owned by an In-

16 dian Tribe;

17 “(B) land owned in fee title by a State, in-

18 cluding an agency or a subdivision of a State,

19 or a unit of local government;

20 “(C) land subject to an easement or deed

21 restriction that, as determined by the Secretary,

22 provides similar protection as would be provided

23 by enrollment in the Program; or

24 “(D) land the enrollment in the Program

25 of which would undermine the purposes of the

1 Program due to onsite or offsite conditions,
2 such as risk of hazardous substances, permitted
3 or existing rights-of-way, infrastructure devel-
4 opment, or adjacent land uses.

5 “(2) LIMITATION.—The Secretary shall not
6 limit the eligibility of land for purposes of the Pro-
7 gram based on—

8 “(A) acreage size;

9 “(B) the type of private forest landowner
10 or the size of their ownership; or

11 “(C) the presence of severed mineral
12 rights.

13 “(b) SUBORDINATION, EXCHANGE, MODIFICATION,
14 AND TERMINATION.—

15 “(1) SUBORDINATION.—The Secretary may
16 subordinate any interest in eligible land, or a portion
17 of such an interest, administered by the Secretary
18 (including for the purposes of utilities and energy
19 transmission services) directly or on behalf of the
20 Commodity Credit Corporation under the Program if
21 the Secretary determines that the subordination—

22 “(A) increases conservation values or has a
23 limited negative effect on conservation values;

24 “(B) minimally affects the acreage subject
25 to the interest in eligible land; and

1 “(C) is in the public interest or furthers
2 the practical administration of the Program.

3 “(2) MODIFICATION AND EXCHANGE.—

4 “(A) MODIFICATION.—

5 “(i) AUTHORITY.—The Secretary may
6 approve a modification of any interest in
7 land, or a portion of such an interest, ad-
8 ministered by the Secretary, directly or on
9 behalf of the Commodity Credit Corpora-
10 tion, under the Program if the Secretary
11 determines that the modification—

12 “(I) will support the viability and
13 sustainability of working forests and
14 the conservation values of the applica-
15 ble easement;

16 “(II) will result in equal or in-
17 creased conservation values;

18 “(III) is consistent with the origi-
19 nal intent of the easement;

20 “(IV) is consistent with the pur-
21 poses of the Program; and

22 “(V) is in the public interest or
23 furthers the practical administration
24 of the Program, including correcting
25 errors and exercising reserved rights.

1 “(ii) LIMITATION.—In modifying an
2 interest in land, or a portion of such an in-
3 terest, pursuant to this subparagraph, the
4 Secretary may not increase any payment to
5 an eligible entity, except in the case of a
6 modification that includes a change to an
7 easement to add acreage.

8 “(B) EXCHANGE.—

9 “(i) AUTHORITY.—The Secretary may
10 approve an exchange of any interest in
11 land, or a portion of such an interest, ad-
12 ministered by the Secretary, directly or on
13 behalf of the Commodity Credit Corpora-
14 tion, under the Program if the Secretary
15 determines that—

16 “(I) no reasonable alternative to
17 the exchange exists;

18 “(II) the effect of the exchange
19 on the interest in land is avoided or
20 minimized to the maximum extent
21 practicable; and

22 “(III) the exchange—

23 “(aa) results in equal or in-
24 creased conservation values;

1 “(bb) results in equal or in-
2 creased economic value to the
3 United States;

4 “(cc) is consistent with the
5 original intent of the easement;

6 “(dd) is consistent with the
7 purposes of the Program; and

8 “(ee) is in the public inter-
9 est or furthers the practical ad-
10 ministration of the Program.

11 “(ii) LIMITATION.—In exchanging an
12 interest in land, or a portion of such an in-
13 terest, pursuant to this subparagraph, the
14 Secretary may not increase any payment to
15 an eligible entity.

16 “(3) TERMINATION.—The Secretary may ap-
17 prove a termination of any interest in eligible land,
18 or a portion of such an interest, administered by the
19 Secretary, directly or on behalf of the Commodity
20 Credit Corporation, under the Program if the Sec-
21 retary determines that—

22 “(A) termination is in the interest of the
23 Federal Government;

24 “(B) the United States will be fully com-
25 pensated for—

1 “(i) the value of the interest in the
2 land, as determined by the Secretary;

3 “(ii) any costs relating to the termi-
4 nation; and

5 “(iii) any damages determined appro-
6 priate by the Secretary; and

7 “(C) the termination will—

8 “(i) address a compelling public need
9 for which there is no practicable alter-
10 native even with avoidance and minimiza-
11 tion; and

12 “(ii) further the practical administra-
13 tion of the Program.

14 “(4) CONSENT.—The Secretary shall obtain
15 consent from the landowner and eligible entity, if ap-
16 plicable, for any subordination, exchange, modifica-
17 tion, or termination of an interest in eligible land, or
18 portion of such an interest, under this subsection.

19 “(5) NOTICE.—Not less than 90 days before
20 taking any termination action described in para-
21 graph (3), the Secretary shall provide written notice
22 of that action to the Committee on Agriculture, Nu-
23 trition, and Forestry of the Senate and the Com-
24 mittee on Agriculture of the House of Representa-
25 tives.

1 “(c) LAND ENROLLED IN OTHER PROGRAMS.—In
2 accordance with section 3(b) of the Forest Conservation
3 Easement Program Act of 2025, land enrolled in the
4 healthy forests reserve program established under title V
5 of the Healthy Forests Restoration Act of 2003 (16
6 U.S.C. 6571 et seq.) on the day before the date of enact-
7 ment of this section shall be considered to be enrolled in
8 the Program.

9 “(d) PAYMENT LIMITATIONS EXCEPTIONS.—The at-
10 tribution of payments limitation described in section
11 1001(e) and the adjusted gross income limitation de-
12 scribed in section 1001D(b)(1) shall not apply to any pay-
13 ment or other assistance under the Program.

14 “(e) ENVIRONMENTAL SERVICES MARKET.—The
15 Secretary may not prohibit through a contract, easement,
16 or agreement under the Program a participant in the Pro-
17 gram from participating in, and receiving compensation
18 from, an environmental services market if 1 of the pur-
19 poses of the environmental services market is the facilita-
20 tion of additional conservation benefits that are consistent
21 with the purposes of the Program.

22 **“SEC. 1267E. FUNDING.**

23 “‘There is authorized to be appropriated to carry out
24 this subtitle \$100,000,000 for each of fiscal years 2025
25 through 2029.’”.

1 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

2 (1) Section 1201(a) of the Food Security Act of
3 1985 (16 U.S.C. 3801(a)) is amended—

4 (A) in the matter preceding paragraph (1),
5 by striking “subtitles A through I.” and insert-
6 ing “subtitles A through J.”; and

7 (B) by striking paragraph (14) and insert-
8 ing the following:

9 “(14) INDIAN TRIBE.—The term ‘Indian Tribe’
10 has the meaning given the term in section 4 of the
11 Indian Self-Determination and Education Assistance
12 Act (25 U.S.C. 5304).”.

13 (2) Title XII of the Food Security Act of 1985
14 (16 U.S.C. 3801 et seq.) is amended—

15 (A) by striking “Indian tribes” each place
16 it appears and inserting “Indian Tribes”; and

17 (B) by striking “Indian tribe” each place
18 it appears and inserting “Indian Tribe”.

19 (3) Section 1231A(a)(3)(C) of the Food Secu-
20 rity Act of 1985 (16 U.S.C. 3831a(a)(3)(C)) is
21 amended by striking “(as defined in section 4 of the
22 Indian Self-Determination and Education Assistance
23 Act (25 U.S.C. 5304))”.

1 (4) Section 1241(e)(1) of the Food Security Act
2 of 1985 (16 U.S.C. 3841(e)(1)) is amended by strik-
3 ing “subtitle I” and inserting “subtitle J”.

4 (5) Section 1244 of the Food Security Act of
5 1985 (16 U.S.C. 3844) is amended—

6 (A) in subsection (b)(1)(A)(ii), by striking
7 “(as defined by the Secretary)”; and

8 (B) in subsection (d), by striking “I.” and
9 inserting “J.”.

10 **SEC. 3. HEALTHY FORESTS RESERVE PROGRAM.**

11 (a) REPEAL.—Title V of the Healthy Forests Res-
12 toration Act of 2003 (16 U.S.C. 6571 et seq.) is repealed.

13 (b) TRANSITIONAL PROVISIONS.—

14 (1) EFFECT ON EXISTING CONTRACTS, AGREE-
15 MENTS, AND EASEMENTS.—The repeal made by sub-
16 section (a) shall not affect—

17 (A) the validity or terms of any contract,
18 agreement, or easement entered into by the
19 Secretary of Agriculture under title V of the
20 Healthy Forests Restoration Act of 2003 (16
21 U.S.C. 6571 et seq.) before the date of enact-
22 ment of this Act; or

23 (B) any payment or technical assistance
24 required to be made in connection with a con-

1 tract, agreement, or easement described in sub-
2 paragraph (A).

3 (2) FUNDING.—

4 (A) USE OF PRIOR YEAR FUNDS.—Not
5 withstanding the repeal made by subsection (a),
6 any funds made available from the Commodity
7 Credit Corporation to carry out the healthy for-
8 ests reserve program established under title V
9 of the Healthy Forests Restoration Act of 2003
10 (16 U.S.C. 6571 et seq.) (as in effect on the
11 day before the date of enactment of this Act)
12 for any of fiscal years 2019 through 2024 shall
13 be made available to carry out contracts, agree-
14 ments, or easements referred to in paragraph
15 (1)(A), subject to the condition that no such
16 contract, agreement, or easement may be modi-
17 fied so as to increase the amount of any pay-
18 ment received.

19 (B) OTHER.—The Secretary of Agriculture
20 may use funds made available to carry out the
21 Forest Conservation Easement Program estab-
22 lished under subtitle I of the Food Security Act
23 of 1985 (as amended by section 2) to continue
24 to carry out contracts, agreements, or ease-
25 ments referred to in paragraph (1)(A) using the

1 provisions of law (including regulations) in ef-
2 fect on the day before the date of enactment of
3 this Act that are applicable to those contracts,
4 agreements, and easements.

5 (c) CONFORMING AMENDMENTS.—

6 (1) The table of contents in section 1(b) of the
7 Healthy Forests Restoration Act of 2003 (Public
8 Law 108–148; 117 Stat. 1887) is amended by strik-
9 ing the items relating to title V.

10 (2) Section 1271A(1) of the Food Security Act
11 of 1985 (16 U.S.C. 3871a(1)) is amended by strik-
12 ing subparagraph (D) and inserting the following:

13 “(D) The Forest Conservation Easement
14 Program established under subtitle I.”