



# 2023 Farm Bill Legislative Side-By-Side

## HEALTHY FORESTS RESERVE PROGRAM (HFRP)

### Program Description

The USDA Natural Resources Conservation Service's [Healthy Forests Reserve Program \(HFRP\)](#) helps landowners restore, enhance, and protect forestland resources on private lands through easements and financial assistance. HFRP aids the recovery of endangered and threatened species under the *Endangered Species Act*, improves plant and animal biodiversity, and enhances carbon sequestration.

### Climate Highlights

HFRP provides 10-year forest restoration agreements and 30-year forest conservation easements—which are legal agreements limiting the uses of land. One of the primary objectives of the HFRP is to “enhance carbon sequestration,” which mitigates climate change. At the end of fiscal year (FY) 2021, over [678,000 acres](#) were enrolled in the program.

### Funding

Discretionary funding for HFRP is authorized at \$12 million annually through FY 2023. Congress appropriated \$7 million for HFRP in FY 2023.

### Key Changes

- This resource will be updated as the House and Senate legislative Farm Bill texts are released.

Legislative Side-By-Side

Current Law <a href="#">16 USC §6571-6578</a> (October 2022)	House Version	Senate Version
§6571 - Establishment of Healthy Forests Reserve Program	This resource will be updated as the House legislative Farm Bill text is released.	This resource will be updated as the Senate legislative Farm Bill text is released.
<b>(a) Establishment</b> The Secretary of Agriculture shall establish the healthy forests reserve program for the purpose of restoring and enhancing forest ecosystems- (1) to promote the recovery of threatened and endangered species; (2) to improve biodiversity; (3) to conserve forest land that provides habitat for species described in <a href="#">section 6572(b) of this title</a> ; and (4) to enhance carbon sequestration.		
<b>(b) Coordination</b> The Secretary of Agriculture shall carry out the healthy forests reserve program in coordination with the Secretary of the Interior and the Secretary of Commerce.		
6572 Eligibility and enrollment of lands in program		
<b>(a) In general</b> The Secretary of Agriculture, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall describe and define forest ecosystems that are eligible for enrollment in the healthy forests reserve program.		
<b>(b) Eligibility</b> To be eligible for enrollment in the healthy forests reserve program, land shall be private forest land, or private land being restored to forest land, the enrollment of which will maintain, restore, enhance, or otherwise measurably— (1) increase the likelihood of recovery of a species that is listed as endangered or threatened under section 1533 of this title; or (2) improve the well-being of a species that— (A) is—		

<p>(i) not listed as endangered or threatened under such section; and</p> <p>(ii) a candidate for such listing, a State-listed species, or a special concern species; or</p> <p>(B) is deemed a species of greatest conservation need by a State wildlife action plan.</p>		
<p><b>(c) Other considerations</b></p> <p>In enrolling land that satisfies the criteria under subsection (b), the Secretary of Agriculture shall give additional consideration to land the enrollment of which will—</p> <p>(1) improve biological diversity;</p> <p>(2) conserve forest land that provides habitat for species described in subsection (b); and</p> <p>(3) increase carbon sequestration.</p>		
<p><b>(d) Enrollment by willing owners</b></p> <p>The Secretary of Agriculture shall enroll land in the healthy forests reserve program only with the consent of the owner of the land.</p>		
<p><b>(e) Methods of enrollment</b></p> <p><b>(1) Authorized methods</b></p> <p>Land may be enrolled in the healthy forests reserve program in accordance with—</p> <p>(A) a 10-year cost-share agreement;</p> <p>(B) a 30-year easement; or</p> <p>(C)(i) a permanent easement; or</p> <p>(ii) in a State that imposes a maximum duration for easements, an easement for the maximum duration allowed under State law.</p> <p><b>(2) Acreage owned by Indian tribes</b></p> <p><b>(A) Definition of acreage owned by Indian tribes</b></p> <p>In this paragraph, the term "acreage owned by Indian tribes" includes—</p> <p>(i) land that is held in trust by the United States for Indian tribes or individual Indians;</p> <p>(ii) land, the title to which is held by Indian tribes or individual Indians subject to Federal restrictions against alienation or encumbrance;</p> <p>(iii) land that is subject to rights of use, occupancy, and benefit of certain Indian tribes;</p> <p>(iv) land that is held in fee title by an Indian tribe; or</p>		

<p>(v) land that is owned by a native corporation formed under section 5124 of title 25 or section 1607 of title 43; or</p> <p>(vi) a combination of 1 or more types of land described in clauses (i) through (v).</p> <p><b>(B) Enrollment of acreage</b></p> <p>In the case of acreage owned by an Indian tribe, the Secretary may enroll acreage into the healthy forests reserve program through the use of—</p> <p>(i) a 30-year contract (the value of which shall be equivalent to the value of a 30-year easement);</p> <p>(ii) a 10-year cost-share agreement;</p> <p>(iii) a permanent easement; or</p> <p>(iv) any combination of the options described in clauses (i) through (iii).</p>		
<p><b>(f) Enrollment priority</b></p> <p><b>(1) Species</b></p> <p>The Secretary of Agriculture shall give priority to the enrollment of land that provides the greatest conservation benefit to—</p> <p>(A) primarily, species listed as endangered or threatened under section 1533 of this title; and</p> <p>(B) secondarily, species that—</p> <p>(i) are not listed as endangered or threatened under section 1533 of this title; but</p> <p>(ii)(I) are candidates for such listing, State-listed species, or special concern species; or</p> <p>(II) are deemed a species of greatest conservation need under a State wildlife action plan.</p> <p><b>(2) Cost-effectiveness</b></p> <p>The Secretary of Agriculture shall also consider the cost-effectiveness of each agreement or easement, and associated restoration plans, so as to maximize the environmental benefits per dollar expended.</p>		
<p><b>§6573 - Restoration plans</b></p>		
<p><b>(a) In general</b></p> <p>Land enrolled in the healthy forests reserve program shall be subject to a restoration plan, to be developed jointly by the landowner and the Secretary of Agriculture, in coordination with the Secretary of the Interior.</p>		
<p><b>(b) Practices</b></p>		

<p>The restoration plan shall require such restoration practices and measures as are necessary to restore and enhance habitat for species described in section 6572(b) of this title, including the following:</p> <ul style="list-style-type: none"><li>(1) Land management practices.</li><li>(2) Vegetative treatments.</li><li>(3) Structural practices and measures.</li><li>(4) Practices to increase carbon sequestration.</li><li>(5) Practices to improve biological diversity.</li><li>(6) Other practices and measures.</li></ul>		
<b>§5674 - Financial assistance</b>		
<p><b>(a) Permanent easements</b></p> <p>In the case of land enrolled in the healthy forests reserve program using a permanent easement (or an easement described in section 6572(f)(1)(C)(ii) <sup>1</sup> of this title), the Secretary of Agriculture shall pay the owner of the land an amount equal to not less than 75 percent, nor more than 100 percent, of (as determined by the Secretary)—</p> <ul style="list-style-type: none"><li>(1) the fair market value of the enrolled land during the period the land is subject to the easement, less the fair market value of the land encumbered by the easement; and</li><li>(2) the actual costs of the approved conservation practices or the average cost of approved practices carried out on the land during the period in which the land is subject to the easement.</li></ul>		
<p><b>(b) Thirty-year easement</b></p> <p>In the case of land enrolled in the healthy forests reserve program using a 30-year easement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—</p> <ul style="list-style-type: none"><li>(1) 75 percent of the fair market value of the land, less the fair market value of the land encumbered by the easement; and</li><li>(2) 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices.</li></ul>		
<p><b>(c) Ten-year agreement</b></p> <p>In the case of land enrolled in the healthy forests reserve program using a 10-year cost-share agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—</p> <ul style="list-style-type: none"><li>(1) fifty percent of the actual costs of the approved conservation practices; or</li></ul>		

(2) fifty percent of the average cost of approved practices.		
<b>(d) Acceptance of contributions</b> The Secretary of Agriculture may accept and use contributions of non-Federal funds to make payments under this section.		
<b>§6575 - Technical assistance</b>		
<b>(a) In general</b> The Secretary of Agriculture shall provide landowners with technical assistance to assist the owners in complying with the terms of plans (as included in agreements or easements) under the healthy forests reserve program.		
<b>(b) Technical service providers</b> The Secretary of Agriculture may request the services of, and enter into cooperative agreements with, individuals or entities certified as technical service providers under section 3842 of this title, to assist the Secretary in providing technical assistance necessary to develop and implement the healthy forests reserve program.		
<b>§6576 - Protections and measures</b>		
<b>(a) Protections</b> In the case of a landowner that enrolls land in the program and whose conservation activities result in a net conservation benefit for listed, candidate, or other species, the Secretary of Agriculture shall make available to the landowner safe harbor or similar assurances and protection under— (1) section 1536(b)(4) of this title; or (2) section 1539(a)(1) of this title.		
<b>(b) Measures</b> If protection under subsection (a) requires the taking of measures that are in addition to the measures covered by the applicable restoration plan agreed to under section 6573 of this title, the cost of the additional measures, as well as the cost of any permit, shall be considered part of the restoration plan for purposes of financial assistance under section 6574 of this title.		
<b>§6577 - Involvement by other agencies and organizations</b>		

<p>In carrying out this subchapter, the Secretary of Agriculture may consult with—</p> <ul style="list-style-type: none"><li>(1) nonindustrial private forest landowners;</li><li>(2) other Federal agencies;</li><li>(3) State fish and wildlife agencies;</li><li>(4) State forestry agencies;</li><li>(5) State environmental quality agencies;</li><li>(6) other State conservation agencies; and</li><li>(7) nonprofit conservation organizations.</li></ul>		
<b>§6578 - Funding</b>		
<p><b>(a) Fiscal years 2009 through 2013 <sup>1</sup></b></p> <p>Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available \$9,750,000 for each of fiscal years 2009 through 2012 <sup>1</sup> to carry out this subchapter.</p>		
<p><b>(b) Authorization of appropriations</b></p> <p>There is authorized to be appropriated to the Secretary of Agriculture to carry out this section \$12,000,000 for each of fiscal years 2014 through 2023.</p>		
<p><b>(c) Additional source of funds</b></p> <p>In addition to funds appropriated pursuant to the authorization of appropriations in subsection (b) for a fiscal year, the Secretary may use such amount of the funds appropriated for that fiscal year to carry out the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.) as the Secretary determines necessary to cover the cost of technical assistance, management, and enforcement responsibilities for land enrolled in the healthy forests reserve program pursuant to subsections (a) and (b) of section 6574 of this title.</p>		
<p><b>(d) Duration of availability</b></p> <p>The funds made available under subsection (a) shall remain available until expended.</p>		

**Compiled by: Savannah Bertrand**  
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Environmental and Energy Study Institute (EESI) • 1020 19<sup>th</sup> Street, NW, Suite 400, Washington, DC 20036 • (202) 628-1400 • [eesi@eesi.org](mailto:eesi@eesi.org) • [www.eesi.org](http://www.eesi.org)