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Press Release: Congress Passes Integrity Act, Halting Abuse of Federal Conservation Easement Tax Incentive

Portland, OR - Today Congress passed the [Charitable Conservation Easement Program Integrity Act](#) (Act) as part of its \$1.7 trillion fiscal 2023 omnibus [spending bill](#) to fund government agencies next year.

This important bill safeguards tax incentives for private landowners who protect clean water, habitat and natural resources on private land. Prior to the passage of the Act, a loophole allowed wealthy individuals to abuse this tax incentive and siphon money away from conservation.

The Coalition of Oregon Land Trusts (COLT) has been a strong advocate for the Easement Integrity Act, calling on leaders to ensure its passage before Congress adjourns.

“The conservation easement tax deduction is a crucial land protection tool for land trusts. The deduction gives private landowners a tax incentive to prevent the fragmentation and conversion of fish and wildlife habitat and other public benefits on private land,” said Kelley Beamer, executive director at COLT. “The passage of the Act is a huge win for land trusts in Oregon and across the country. We applaud Members of Congress for coming together on this deal, and we thank Senator Wyden for his leadership in getting the Charitable Conservation Easement Integrity Act included in the 2023 Omnibus bill.”

In Oregon, land trusts steward and protect more than 300,000 acres—most of which were secured using conservation easements, voluntary legal agreements that remove the threat of development and protect natural areas.

The chronic abuse of the credit has been referred to as the [“tax scam that won’t die.”](#) IRS data shows that people abusing this tax incentive falsely claimed \$36 billion in tax deductions from 2010 to 2018 through what are known as abusive syndicated conservation easement transactions. This includes more than \$9 billion on fewer than 300 transactions in 2018. The deduction abuse occurs both nationally and here in Oregon, including a multi-million-dollar syndicated project in Lincoln County called Nautical Hill that is part of a recent federal tax fraud indictment.

It works like this. Normally, conservation easements are an agreement between a private landowner and a land trust, a non-profit organization devoted to protecting land for biodiversity, habitat, or restoration opportunities. In return, the landowner can claim a tax deduction. In syndicated easements, intermediaries buy up low value land, get an inflated appraisal for that land, and then investors can claim a large tax deduction.

“Tax benefits for conservation easements have played a key role in preserving the wild and scenic lands that all of us cherish in Oregon,” said Senator Ron Wyden, Chair of the Senate Finance Committee. “I’ve always been proud to support this vital means of protecting America’s natural treasures and to work on strengthening it for generations to come. And I’m equally proud today to have passed this legislation ensuring wealthy tax cheats don’t abuse this exceptional program by undermining all the good work that legitimate land trusts accomplish in our state and nationwide.”

Conservation easements are one of the most effective tools to protect land. With the passage of the Easement Integrity Act, land trusts in Oregon and across the country can rest assured that the charitable easement deduction will continue to provide public benefits like climate resilience, habitat connectivity and the protection of farm and forestlands.

About the Coalition for Oregon Land Trusts

The Coalition of Oregon Land Trusts (COLT) serves and strengthens the land trust community in Oregon. At COLT, we build connections and advance policies that help protect our natural world—our water, wildlife and open space—for all people, forever.

This work helps our coalition members—32 conservation organizations around the state—do what they do best: protect wildlife and wild places, defend working farms and forests, provide recreation and parks, drive climate solutions and science, champion clean water for all and engage communities to protect our natural world.