

117TH CONGRESS
1ST SESSION

S. 1251

To authorize the Secretary of Agriculture to develop a program to reduce barriers to entry for farmers, ranchers, and private forest landowners in certain voluntary markets, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 20, 2021

Mr. BRAUN (for himself, Ms. STABENOW, Mr. GRAHAM, Mr. WHITEHOUSE, Mr. BOOZMAN, Ms. KLOBUCHAR, Mrs. FISCHER, Mr. BENNET, Mr. GRASSLEY, Ms. SMITH, Ms. ERNST, Mr. COONS, Mr. THUNE, Mr. KING, Ms. COLLINS, Ms. ROSEN, Mr. YOUNG, Mr. BROWN, Mr. HOEVEN, Mrs. SHAHEEN, Mr. RUBIO, Mr. HEINRICH, Mr. CASSIDY, Mrs. FEINSTEIN, Ms. MURKOWSKI, Mr. CARPER, Mr. ROMNEY, Mr. WYDEN, Mr. CRAPO, Mr. LUJÁN, Mrs. HYDE-SMITH, Ms. BALDWIN, Ms. LUMMIS, Mr. WARNOCK, Mr. TUBERVILLE, Mr. MARSHALL, Mr. CORNYN, and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To authorize the Secretary of Agriculture to develop a program to reduce barriers to entry for farmers, ranchers, and private forest landowners in certain voluntary markets, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Growing Climate Solu-
3 tions Act of 2021”.

4 **SEC. 2. GREENHOUSE GAS TECHNICAL ASSISTANCE PRO-**
5 **VIDER AND THIRD-PARTY VERIFIER CERTIFI-**
6 **CATION PROGRAM.**

7 (a) PURPOSES.—The purposes of this section are—

8 (1) to facilitate the participation of farmers,
9 ranchers, and private forest landowners in voluntary
10 environmental credit markets, including through the
11 Program;

12 (2) to facilitate the provision of technical assist-
13 ance through covered entities to farmers, ranchers,
14 and private forest landowners in overcoming barriers
15 to entry into voluntary environmental credit mar-
16 kets;

17 (3) to assist covered entities in certifying under
18 the Program; and

19 (4) to establish the Advisory Council to advise
20 the Secretary regarding the Program and other re-
21 lated matters.

22 (b) DEFINITIONS.—In this section:

23 (1) ADVISORY COUNCIL.—The term “Advisory
24 Council” means the Greenhouse Gas Technical As-
25 sistance Provider and Third-Party Verifier Certifi-

1 cation Program Advisory Council established under
2 subsection (g)(1).

3 (2) AGRICULTURE OR FORESTRY CREDIT.—The
4 term “agriculture or forestry credit” means a credit
5 derived from the prevention, reduction, or mitigation
6 of greenhouse gas emissions or carbon sequestration
7 on agricultural land or private forest land that may
8 be bought or sold on a voluntary environmental cred-
9 it market.

10 (3) BEGINNING FARMER OR RANCHER.—The
11 term “beginning farmer or rancher” has the mean-
12 ing given the term in section 2501(a) of the Food,
13 Agriculture, Conservation, and Trade Act of 1990 (7
14 U.S.C. 2279(a)).

15 (4) COVERED ENTITY.—The term “covered en-
16 tity” means a person or State that either—

17 (A) is a provider of technical assistance to
18 farmers, ranchers, or private forest landowners
19 in carrying out sustainable land use manage-
20 ment practices that—

21 (i) prevent, reduce, or mitigate green-
22 house gas emissions; or

23 (ii) sequester carbon; or

24 (B) is a third-party verifier entity that
25 conducts the verification of the processes de-

1 scribed in protocols for voluntary environmental
2 credit markets.

3 (5) GREENHOUSE GAS.—The term “greenhouse
4 gas” means—

5 (A) carbon dioxide;

6 (B) methane;

7 (C) nitrous oxide; and

8 (D) any other gas that the Secretary, in
9 consultation with the Advisory Council, deter-
10 mines has been identified to have heat trapping
11 qualities.

12 (6) PROGRAM.—The term “Program” means
13 the Greenhouse Gas Technical Assistance Provider
14 and Third-Party Verifier Certification Program es-
15 tablished under subsection (c).

16 (7) PROTOCOL.—The term “protocol” means a
17 systematic approach that follows a science-based
18 methodology that is transparent and thorough to es-
19 tablish requirements—

20 (A) for the development of projects to pre-
21 vent, reduce, or mitigate greenhouse gas emis-
22 sions or sequester carbon that include 1 or
23 more baseline scenarios; and

24 (B) to quantify, monitor, report, and verify
25 the prevention, reduction, or mitigation of

1 greenhouse gas emissions or carbon sequestra-
2 tion by projects described in subparagraph (A).

3 (8) SECRETARY.—The term “Secretary” means
4 the Secretary of Agriculture.

5 (9) SOCIALLY DISADVANTAGED FARMER OR
6 RANCHER; SOCIALLY DISADVANTAGED GROUP.—The
7 terms “socially disadvantaged farmer or rancher”
8 and “socially disadvantaged group” have the mean-
9 ing given those terms in section 355(e) of the Con-
10 solidated Farm and Rural Development Act (7
11 U.S.C. 2003(e)).

12 (10) TECHNICAL ASSISTANCE.—The term
13 “technical assistance” means technical expertise, in-
14 formation, and tools necessary to assist a farmer,
15 rancher, or private forest landowner who is engaged
16 in or wants to engage in a project to prevent, re-
17 duce, or mitigate greenhouse gas emissions or se-
18 quester carbon to meet a protocol.

19 (11) VOLUNTARY ENVIRONMENTAL CREDIT
20 MARKET.—The term “voluntary environmental cred-
21 it market” means a voluntary market through which
22 agriculture or forestry credits may be bought or
23 sold.

24 (c) ESTABLISHMENT.—

1 (1) IN GENERAL.—On the date that is 270 days
2 after the date of enactment of this Act, and after
3 making a positive determination under paragraph
4 (2), the Secretary shall establish a voluntary pro-
5 gram, to be known as the “Greenhouse Gas Tech-
6 nical Assistance Provider and Third-Party Verifier
7 Certification Program”, to certify covered entities
8 that the Secretary determines meet the requirements
9 described in subsection (d).

10 (2) DETERMINATION.—The Secretary shall es-
11 tablish the Program only if, after considering rel-
12 evant information, including the information col-
13 lected or reviewed relating to the assessment con-
14 ducted under subsection (h)(1)(A), the Secretary de-
15 termines that the Program will further each of the
16 purposes described in paragraphs (1) and (2) of sub-
17 section (a).

18 (3) REPORT.—If the Secretary determines
19 under paragraph (2) that the Program would not
20 further the purposes described in paragraph (1) or
21 (2) of subsection (a) and does not establish the Pro-
22 gram, the Secretary shall publish a report describing
23 the reasons the Program would not further those
24 purposes.

25 (d) CERTIFICATION QUALIFICATIONS.—

1 (1) IN GENERAL.—

2 (A) PROTOCOLS AND QUALIFICATIONS.—

3 After providing public notice and at least a 60-
4 day period for public comment, the Secretary
5 shall, during the 90-day period beginning on
6 the date on which the Program is established,
7 publish—

8 (i) a list of, and documents relating
9 to, recognized protocols for voluntary envi-
10 ronmental credit markets that are designed
11 to ensure consistency, reliability, effective-
12 ness, efficiency, and transparency, includ-
13 ing protocol documents and details relating
14 to—

15 (I) calculations;

16 (II) sampling methodologies;

17 (III) accounting principles;

18 (IV) systems for verification,
19 monitoring, measurement, and report-
20 ing; and

21 (V) methods to account for
22 additionality, permanence, leakage,
23 and, where appropriate, avoidance of
24 double counting; and

1 (ii) descriptions of qualifications for
2 covered entities that—

3 (I) demonstrate that the covered
4 entity can assist farmers, ranchers,
5 and private forest landowners in ac-
6 complishing the purposes described in
7 paragraphs (1) and (2) of subsection
8 (a); and

9 (II) demonstrate proficiency with
10 the protocols described in clause (i).

11 (B) REQUIREMENTS.—Covered entities
12 certified under the Program shall maintain ex-
13 pertise in the protocols described in subpara-
14 graph (A)(i), adhere to the qualifications de-
15 scribed in subparagraph (A)(ii), and adhere to
16 any relevant conflict of interest requirements,
17 as determined appropriate by the Secretary,
18 for—

19 (i) the provision of technical assist-
20 ance to farmers, ranchers, and private for-
21 est landowners for carrying out activities
22 described in paragraph (2); or

23 (ii) the verification of the processes
24 described in protocols for voluntary envi-
25 ronmental credit markets that are used in

1 carrying out activities described in para-
2 graph (2).

3 (2) ACTIVITIES.—The activities for which cov-
4 ered entities may provide technical assistance or con-
5 duct verification of processes under the Program are
6 current and future activities that prevent, reduce, or
7 mitigate greenhouse gas emissions or sequester car-
8 bon, which may include—

9 (A) land or soil carbon sequestration;

10 (B) emissions reductions derived from fuel
11 choice or reduced fuel use;

12 (C) livestock emissions reductions, includ-
13 ing emissions reductions achieved through—

14 (i) feeds, feed additives, and the use
15 of byproducts as feed sources; or

16 (ii) manure management practices;

17 (D) on-farm energy generation;

18 (E) energy feedstock production;

19 (F) fertilizer or nutrient use emissions re-
20 ductions;

21 (G) reforestation;

22 (H) forest management, including improv-
23 ing harvesting practices and thinning diseased
24 trees;

1 (I) prevention of the conversion of forests,
2 grasslands, and wetlands;

3 (J) restoration of wetlands or grasslands;

4 (K) grassland management, including pre-
5 scribed grazing;

6 (L) current practices associated with pri-
7 vate land conservation programs administered
8 by the Secretary; and

9 (M) such other activities, or combinations
10 of activities, that the Secretary, in consultation
11 with the Advisory Council, determines to be ap-
12 propriate.

13 (3) REQUIREMENTS.—In publishing the list of
14 protocols and description of qualifications under
15 paragraph (1)(A), the Secretary, in consultation
16 with the Advisory Council, shall—

17 (A) ensure that the requirements for cov-
18 ered entities to certify under the Program in-
19 clude maintaining expertise in all relevant infor-
20 mation relating to market-based protocols, as
21 appropriate, with regard to—

22 (i) quantification;

23 (ii) verification;

24 (iii) additionality;

25 (iv) permanence;

1 (v) reporting; and
2 (vi) other expertise, as determined by
3 the Secretary; and
4 (B) ensure that a covered entity certified
5 under the Program is required to perform, and
6 to demonstrate expertise, as determined by the
7 Secretary, in accordance with best management
8 practices for agricultural and forestry activities
9 that prevent, reduce, or mitigate greenhouse
10 gas emissions or sequester carbon.

11 (4) PERIODIC REVIEW.—As appropriate, the
12 Secretary shall periodically review and revise the list
13 of protocols and description of certification qualifica-
14 tions published under paragraph (1)(A) to include
15 any additional protocols or qualifications that meet
16 the requirements described in subparagraphs (A)
17 and (B) of paragraph (3).

18 (e) CERTIFICATION, WEBSITE, AND PUBLICATION OF
19 LISTS.—

20 (1) CERTIFICATION.—A covered entity may
21 self-certify under the Program by submitting to the
22 Secretary, through a website maintained by the Sec-
23 retary—

24 (A) a notification that the covered entity
25 will—

1 (i) maintain expertise in the protocols
2 described in clause (i) of subsection
3 (d)(1)(A); and

4 (ii) adhere to the qualifications de-
5 scribed in clause (ii) of that subsection;
6 and

7 (B) appropriate documentation dem-
8 onstrating the expertise described in subpara-
9 graph (A)(i) and qualifications described in
10 subparagraph (A)(ii).

11 (2) WEBSITE AND SOLICITATION.—During the
12 180-day period beginning on the date on which the
13 Program is established, the Secretary shall publish,
14 through an existing website maintained by the Sec-
15 retary—

16 (A) information describing how covered en-
17 tities may self-certify under the Program in ac-
18 cordance with paragraph (1);

19 (B) information describing how covered en-
20 tities may obtain, through private training pro-
21 grams or Department of Agriculture training
22 programs, the requisite expertise—

23 (i) in the protocols described in clause
24 (i) of subsection (d)(1)(A); and

1 (ii) to meet the qualifications de-
2 scribed in clause (ii) of that subsection;

3 (C) the protocols and qualifications pub-
4 lished by the Secretary under subsection
5 (d)(1)(A); and

6 (D) instructions and suggestions to assist
7 farmers, ranchers, and private forest land-
8 owners in facilitating the development of agri-
9 culture or forestry credits and accessing vol-
10 untary environmental credit markets, includ-
11 ing—

12 (i) through working with covered enti-
13 ties certified under the Program; and

14 (ii) by providing information relating
15 to programs, registries, and protocols of
16 programs and registries that provide mar-
17 ket-based participation opportunities for
18 working and conservation agricultural and
19 forestry lands.

20 (3) PUBLICATION.—During the 1-year period
21 beginning on the date on which the Program is es-
22 tablished, the Secretary, in consultation with the Ad-
23 visory Council and following the review by the Sec-
24 retary for completeness and accuracy of the certifi-
25 cation notifications and documentation submitted

1 under paragraph (1), shall use an existing website
2 maintained by the Secretary to publish—

3 (A) a list of covered entities that are cer-
4 tified under paragraph (1) as technical assist-
5 ance providers; and

6 (B) a list of covered entities that are cer-
7 tified under paragraph (1) as verifiers of the
8 processes described in protocols for voluntary
9 environmental credit markets.

10 (4) UPDATES.—Not less frequently than quar-
11 terly, the Secretary, in consultation with the Advi-
12 sory Council, shall update the lists published under
13 paragraph (3).

14 (5) SUBMISSION.—The Secretary shall notify
15 Congress of the publication of the initial list under
16 paragraph (3).

17 (6) REQUIREMENT.—To remain certified under
18 the Program, a covered entity shall continue—

19 (A) to maintain expertise in the protocols
20 described in subparagraph (A)(i) of subsection
21 (d)(1); and

22 (B) to adhere to the qualifications de-
23 scribed in subparagraph (A)(ii) of that sub-
24 section.

1 (7) AUDITING.—Not less frequently than annu-
2 ally, the Secretary shall conduct audits of covered
3 entities that are certified under the Program to en-
4 sure compliance with the requirements under sub-
5 section (d)(1)(B) through an audit process that in-
6 cludes a representative sample of—

7 (A) technical assistance providers; and

8 (B) verifiers of the processes described in
9 protocols for voluntary environmental credit
10 markets.

11 (8) REVOCATION OF CERTIFICATION.—

12 (A) IN GENERAL.—The Secretary may re-
13 voke the certification of a covered entity under
14 the Program in the event of—

15 (i) noncompliance with the require-
16 ments under subsection (d)(1)(B); or

17 (ii) a violation of subsection (f)(2)(A).

18 (B) NOTIFICATION.—If the Secretary re-
19 vokes a certification of a covered entity under
20 subparagraph (A), to the extent practicable, the
21 Secretary shall—

22 (i) request from that covered entity
23 contact information for all farmers, ranch-
24 ers, and private forest landowners to which
25 the covered entity provided technical as-

1 sistance or the verification of the processes
2 described in protocols for voluntary envi-
3 ronmental credit markets; and

4 (ii) notify those farmers, ranchers,
5 and private forest landowners of the rev-
6 ocation.

7 (9) FAIR TREATMENT OF FARMERS.—The Sec-
8 retary shall ensure, to the maximum extent prac-
9 ticable, that covered entities certified under para-
10 graph (1) act in good faith—

11 (A) to provide realistic estimates of costs
12 and revenues relating to activities and
13 verification of processes, as applicable to the
14 covered entity, as described in subsection
15 (d)(2); and

16 (B) in the case of technical assistance pro-
17 viders, to assist farmers, ranchers, and private
18 forest landowners in ensuring that the farmers,
19 ranchers, and private forest landowners receive
20 fair distribution of revenues derived from the
21 sale of an agriculture or forestry credit.

22 (10) SAVINGS CLAUSE.—Nothing in this section
23 authorizes the Secretary to compel a farmer, ranch-
24 er, or private forest landowner to participate in a

1 transaction or project facilitated by a covered entity
2 certified under paragraph (1).

3 (f) ENFORCEMENT.—

4 (1) PROHIBITION ON CLAIMS.—

5 (A) IN GENERAL.—A person that is not
6 certified under the Program in accordance with
7 this section shall not knowingly make a claim
8 that the person is a “USDA-certified technical
9 assistance provider or third-party verifier for
10 voluntary environmental credit markets” or any
11 substantially similar claim.

12 (B) PENALTY.—Any person that violates
13 subparagraph (A) shall be—

14 (i) subject to a civil penalty equal to
15 such amount as the Secretary determines
16 to be appropriate, not to exceed \$1,000 per
17 violation; and

18 (ii) ineligible to certify under the Pro-
19 gram for the 5-year period beginning on
20 the date of the violation.

21 (2) SUBMISSION OF FRAUDULENT INFORMA-
22 TION.—

23 (A) IN GENERAL.—A person, regardless of
24 whether the person is certified under the pro-
25 gram, shall not submit fraudulent information

1 as part of a notification under subsection
2 (e)(1).

3 (B) PENALTY.—Any person that violates
4 subparagraph (A) shall be—

5 (i) subject to a civil penalty equal to
6 such amount as the Secretary determines
7 to be appropriate, not to exceed \$1,000 per
8 violation; and

9 (ii) ineligible to certify under the Pro-
10 gram for the 5-year period beginning on
11 the date of the violation.

12 (g) GREENHOUSE GAS TECHNICAL ASSISTANCE
13 PROVIDER AND THIRD-PARTY VERIFIER CERTIFICATION
14 PROGRAM ADVISORY COUNCIL.—

15 (1) IN GENERAL.—During the 90-day period
16 beginning on the date on which the Program is es-
17 tablished, the Secretary shall establish an advisory
18 council, to be known as the “Greenhouse Gas Tech-
19 nical Assistance Provider and Third-Party Verifier
20 Certification Program Advisory Council”.

21 (2) MEMBERSHIP.—

22 (A) IN GENERAL.—The Advisory Council
23 shall be composed of members appointed by the
24 Secretary in accordance with this paragraph.

1 (B) GENERAL REPRESENTATION.—The
2 Advisory Council shall—

3 (i) be broadly representative of the ag-
4 riculture and private forest sectors;

5 (ii) include socially disadvantaged
6 farmers and ranchers and other historically
7 underserved farmers, ranchers, or private
8 forest landowners; and

9 (iii) be composed of not less than 51
10 percent farmers, ranchers, or private forest
11 landowners.

12 (C) MEMBERS.—Members appointed under
13 subparagraph (A) shall include—

14 (i) not more than 2 representatives of
15 the Department of Agriculture, as deter-
16 mined by the Secretary;

17 (ii) not more than 1 representative of
18 the Environmental Protection Agency, as
19 determined by the Administrator of the
20 Environmental Protection Agency;

21 (iii) not more than 1 representative of
22 the National Institute of Standards and
23 Technology;

24 (iv) not fewer than 12 representatives
25 of the agriculture industry, appointed in a

1 manner that is broadly representative of
2 the agriculture sector, including not fewer
3 than 6 active farmers and ranchers;

4 (v) not fewer than 4 representatives of
5 private forest landowners or the forestry
6 and forest products industry appointed in
7 a manner that is broadly representative of
8 the private forest sector;

9 (vi) not more than 4 representatives
10 of the relevant scientific research commu-
11 nity, including not fewer than 2 represent-
12 atives from land-grant colleges and univer-
13 sities (as defined in section 1404 of the
14 National Agricultural Research, Extension,
15 and Teaching Policy Act of 1977 (7 U.S.C.
16 3103)), of which 1 shall be a representa-
17 tive of a college or university eligible to re-
18 ceive funds under the Act of August 30,
19 1890 (commonly known as the “Second
20 Morrill Act”) (26 Stat. 417, chapter 841;
21 7 U.S.C. 321 et seq.), including Tuskegee
22 University;

23 (vii) not more than 2 experts or pro-
24 fessionals familiar with voluntary environ-

1 mental credit markets and the verification
2 requirements in those markets;

3 (viii) not more than 3 members of
4 nongovernmental or civil society organiza-
5 tions with relevant expertise, of which not
6 fewer than 1 shall represent the interests
7 of socially disadvantaged groups;

8 (ix) not more than 3 members of pri-
9 vate sector entities or organizations that
10 participate in voluntary environmental
11 credit markets through which agriculture
12 or forestry credits are bought and sold;
13 and

14 (x) any other individual whom the
15 Secretary determines to be necessary to
16 ensure that the Advisory Council is com-
17 posed of a diverse group of representatives
18 of industry, academia, independent re-
19 searchers, and public and private entities.

20 (D) CHAIR.—The Secretary shall designate
21 a member of the Advisory Council to serve as
22 the Chair.

23 (E) TERMS.—

24 (i) IN GENERAL.—The term of a
25 member of the Advisory Council shall be 2

1 years, except that, of the members first ap-
2 pointed—

3 (I) not fewer than 8 members
4 shall serve for a term of 1 year;

5 (II) not fewer than 12 members
6 shall serve for a term of 2 years; and

7 (III) not fewer than 12 members
8 shall serve for a term of 3 years.

9 (ii) ADDITIONAL TERMS.—After the
10 initial term of a member of the Advisory
11 Council, including the members first ap-
12 pointed, the member may serve not more
13 than 4 additional 2-year terms.

14 (3) MEETINGS.—

15 (A) FREQUENCY.—The Advisory Council
16 shall meet not less frequently than annually, at
17 the call of the Chair.

18 (B) INITIAL MEETING.—During the 90-day
19 period beginning on the date on which the
20 members are appointed under paragraph
21 (2)(A), the Advisory Council shall hold an ini-
22 tial meeting.

23 (4) DUTIES.—The Advisory Council shall—

24 (A) periodically review and recommend any
25 appropriate changes to—

1 (i) the list of protocols and description
2 of qualifications published by the Secretary
3 under subsection (d)(1)(A); and

4 (ii) the requirements described in sub-
5 section (d)(1)(B);

6 (B) make recommendations to the Sec-
7 retary regarding the best practices that should
8 be included in the protocols, description of
9 qualifications, and requirements described in
10 subparagraph (A); and

11 (C) advise the Secretary regarding—

12 (i) the current methods used by vol-
13 untary environmental credit markets to
14 quantify and verify the prevention, reduc-
15 tion, and mitigation of greenhouse gas
16 emissions or sequestration of carbon;

17 (ii) additional considerations for certi-
18 fying covered entities under the Program;

19 (iii) means to reduce barriers to entry
20 in the business of providing technical as-
21 sistance or the verification of the processes
22 described in protocols for voluntary envi-
23 ronmental credit markets for covered enti-
24 ties, including by improving technical as-
25 sistance provided by the Secretary;

1 (iv) means to reduce compliance and
2 verification costs for farmers, ranchers,
3 and private forest landowners in entering
4 voluntary environmental credit markets, in-
5 cluding through mechanisms and processes
6 to aggregate the value of activities across
7 land ownership;

8 (v) issues relating to land and asset
9 ownership in light of evolving voluntary en-
10 vironmental credit markets; and

11 (vi) additional means to reduce bar-
12 riers to entry in voluntary environmental
13 credit markets for farmers, ranchers, and
14 private forest landowners, particularly for
15 historically underserved, socially disadvan-
16 taged, or limited resource farmers, ranch-
17 ers, or private forest landowners.

18 (5) COMPENSATION.—The members of the Ad-
19 visory Council shall serve without compensation.

20 (6) CONFLICT OF INTEREST.—The Secretary
21 shall prohibit any member of the Advisory Council
22 from—

23 (A) engaging in any determinations or ac-
24 tivities of the Advisory Council that may result

1 in the favoring of, or a direct and predictable
2 effect on—

3 (i) the member or a family member,
4 as determined by the Secretary;

5 (ii) stock owned by the member or a
6 family member, as determined by the Sec-
7 retary; or

8 (iii) the employer of, or a business
9 owned in whole or in part by, the member
10 or a family member, as determined by the
11 Secretary; or

12 (B) providing advice or recommendations
13 regarding, or otherwise participating in, mat-
14 ters of the Advisory Council that—

15 (i) constitute a conflict of interest
16 under section 208 of title 18, United
17 States Code; or

18 (ii) may call into question the integ-
19 rity of the Advisory Council, the Program,
20 or the technical assistance or verification
21 activities described under subsection
22 (d)(2).

23 (7) FACA APPLICABILITY.—The Advisory
24 Council shall be subject to the Federal Advisory

1 Committee Act (5 U.S.C. App.), except that section
2 14(a)(2) of that Act shall not apply.

3 (h) ASSESSMENT.—

4 (1) IN GENERAL.—Not later than 240 days
5 after the date of enactment of this Act, the Sec-
6 retary, in consultation with the Administrator of the
7 Environmental Protection Agency, shall—

8 (A) conduct an assessment, including by
9 incorporating information from existing publica-
10 tions and reports of the Department of Agri-
11 culture and other entities with relevant exper-
12 tise, regarding—

13 (i) the number and categories of non-
14 Federal actors in the nonprofit and for-
15 profit sectors involved in buying, selling,
16 and trading agriculture or forestry credits
17 in voluntary environmental credit markets;

18 (ii) the estimated overall domestic
19 market demand for agriculture or forestry
20 credits at the end of the preceding 4-cal-
21 endar year period, and historically, in vol-
22 untary environmental credit markets;

23 (iii) the total number of agriculture or
24 forestry credits (measured in metric tons
25 of carbon dioxide equivalent) that were es-

1 timated to be in development, generated,
2 or sold in market transactions during the
3 preceding 4-calendar year period, and his-
4 torically, in voluntary environmental credit
5 markets;

6 (iv) the estimated supply and demand
7 of metric tons of carbon dioxide equivalent
8 of offsets in the global marketplace for the
9 next 4 years;

10 (v) the barriers to entry due to com-
11 pliance and verification costs described in
12 subsection (g)(4)(C)(iv);

13 (vi) the state of monitoring and meas-
14 urement technologies needed to quantify
15 long-term carbon sequestration in soils and
16 from other activities to prevent, reduce, or
17 mitigate greenhouse gas emissions in the
18 agriculture and forestry sectors;

19 (vii) means to reduce barriers to entry
20 into voluntary environmental credit mar-
21 kets for small, beginning, and socially dis-
22 advantaged farmers, ranchers, and private
23 forest landowners and the extent to which
24 existing protocols in voluntary environ-
25 mental credit markets allow for aggrega-

1 tion of projects among farmers, ranchers,
2 and private forest landowners;

3 (viii) means to leverage existing De-
4 partment of Agriculture programs and
5 other Federal programs that could im-
6 prove, lower the costs of, and enhance the
7 deployment of monitoring and measure-
8 ment technologies described in clause (vi);

9 (ix) the potential impact of Depart-
10 ment of Agriculture activities on supply
11 and demand of agriculture or forestry
12 credits;

13 (x) the potential role of the Depart-
14 ment of Agriculture in encouraging innova-
15 tion in voluntary environmental credit mar-
16 kets;

17 (xi) the extent to which the existing
18 regimes for generating and selling agri-
19 culture or forestry credits, as the regimes
20 exist at the end of the preceding 4-cal-
21 endar year period, and historically, and ex-
22 isting voluntary environmental credit mar-
23 kets, may be impeded or constricted, or
24 achieve greater scale and reach, if the De-
25 partment of Agriculture were involved, in-

1 cluding by considering the role of the De-
2 partment of Agriculture in reducing the
3 barriers to entry identified under clause
4 (v), including by educating stakeholders
5 about voluntary environmental credit mar-
6 kets;

7 (xii) the extent to which existing pro-
8 tocols in voluntary environmental credit
9 markets, including verification,
10 additionality, permanence, and reporting,
11 adequately take into consideration and ac-
12 count for factors encountered by the agri-
13 culture and private forest sectors in pre-
14 venting, reducing, or mitigating greenhouse
15 gases or sequestering carbon through agri-
16 culture and forestry practices, considering
17 variances across regions, topography, soil
18 types, crop or species varieties, and busi-
19 ness models;

20 (xiii) the extent to which existing pro-
21 tocols in voluntary environmental credit
22 markets consider options to ensure the
23 continued valuation, through discounting
24 or other means, of agriculture and forestry
25 credits in the case of the practices under-

1 lying those credits being disrupted due to
2 unavoidable events, including production
3 challenges and natural disasters; and

4 (xiv) opportunities for other voluntary
5 markets outside of voluntary environmental
6 credit markets to foster the trading, buy-
7 ing, or selling of credits that are derived
8 from activities that provide other eco-
9 system service benefits, including activities
10 that improve water quality, water quantity,
11 wildlife habitat enhancement, and other
12 ecosystem services, as the Secretary deter-
13 mines appropriate;

14 (B) publish the assessment; and

15 (C) submit the assessment to the Com-
16 mittee on Agriculture, Nutrition, and Forestry
17 of the Senate and the Committee on Agri-
18 culture of the House of Representatives.

19 (2) QUADRIENNIAL ASSESSMENT.—The Sec-
20 retary, in consultation with the Administrator of the
21 Environmental Protection Agency and the Advisory
22 Council, shall conduct the assessment described in
23 paragraph (1)(A) and publish and submit the assess-
24 ment in accordance with subparagraphs (B) and (C)
25 of paragraph (1) every 4 years after the publication

1 and submission of the first assessment under sub-
2 paragraphs (B) and (C) of paragraph (1).

3 (i) REPORT.—Not later than 2 years after the date
4 on which the Program is established, and every 2 years
5 thereafter, the Secretary shall publish and submit to the
6 Committee on Agriculture, Nutrition, and Forestry of the
7 Senate and the Committee on Agriculture of the House
8 of Representatives a report describing, for the period cov-
9 ered by the report—

10 (1) the number of covered entities that—

11 (A) were registered under the Program;

12 (B) were new registrants under the Pro-
13 gram, if applicable; and

14 (C) did not renew their registration under
15 the Program, if applicable;

16 (2) each covered entity the certification of
17 which was revoked by the Secretary under sub-
18 section (e)(8);

19 (3) a review of the outcomes of the Program,
20 including—

21 (A) the ability of farmers, ranchers, and
22 private forest landowners, including small, be-
23 ginning, and socially disadvantaged farmers,
24 ranchers, and private forest landowners, to de-

1 velop agriculture or forestry credits through
2 covered entities certified under the Program;

3 (B) methods to improve the ability of
4 farmers, ranchers, and private forest land-
5 owners to overcome barriers to entry to vol-
6 untary environmental credit markets; and

7 (C) methods to further facilitate participa-
8 tion of farmers, ranchers, and private forest
9 landowners in voluntary environmental credit
10 markets; and

11 (4) any recommendations for improvements to
12 the Program.

13 (j) CONFIDENTIALITY.—

14 (1) PROHIBITION.—

15 (A) IN GENERAL.—Except as provided in
16 paragraph (2), the Secretary, any other officer
17 or employee of the Department of Agriculture
18 or any agency of the Department of Agri-
19 culture, or any other person may not disclose to
20 the public the information held by the Secretary
21 described in subparagraph (B).

22 (B) INFORMATION.—

23 (i) IN GENERAL.—Except as provided
24 in clause (ii), the information prohibited

1 from disclosure under subparagraph (A)
2 is—

3 (I) information collected by the
4 Secretary or published by the Sec-
5 retary under subsection (h) or (i);

6 (II) personally identifiable infor-
7 mation, including in a contract or
8 service agreement, of a farmer, ranch-
9 er, or private forest landowner, ob-
10 tained by the Secretary under para-
11 graph (7) or (8)(B)(i) of subsection
12 (e); and

13 (III) confidential business infor-
14 mation in a contract or service agree-
15 ment of a farmer, rancher, or private
16 forest landowner obtained by the Sec-
17 retary under paragraph (7) or
18 (8)(B)(i) of subsection (e).

19 (ii) AGGREGATED RELEASE.—Infor-
20 mation described in clause (i) may be re-
21 leased to the public if the information has
22 been transformed into a statistical or ag-
23 gregate form that does not allow the iden-
24 tification of the person who supplied or is
25 the subject of the particular information.

1 (2) EXCEPTION.—Paragraph (1) shall not pro-
2 hibit the disclosure—

3 (A) of the name of any covered entity pub-
4 lished and submitted by the Secretary under
5 subsection (i)(2); or

6 (B) by an officer or employee of the Fed-
7 eral Government of information described in
8 paragraph (1)(B) as otherwise directed by the
9 Secretary or the Attorney General for enforce-
10 ment purposes.

11 (k) FUNDING.—

12 (1) AUTHORIZATION OF APPROPRIATIONS.—In
13 addition to the amount made available under para-
14 graph (2), there is authorized to be appropriated to
15 carry out this section \$1,000,000 for each of fiscal
16 years 2022 through 2026.

17 (2) DIRECT FUNDING.—

18 (A) RESCISSION.—There is rescinded
19 \$4,100,000 of the unobligated balance of
20 amounts made available by section 1003 of the
21 American Rescue Plan Act of 2021 (Public Law
22 117–2).

23 (B) DIRECT FUNDING.—If sufficient unob-
24 ligated amounts made available by section 1003
25 of the American Rescue Plan Act of 2021 (Pub-

1 lic Law 117-2) are available on the date of en-
2 actment of this Act to execute the entire rescis-
3 sion described in subparagraph (A), then on the
4 day after the execution of the entire rescission,
5 there is appropriated to the Secretary, out of
6 amounts in the Treasury not otherwise appro-
7 priated, \$4,100,000 to carry out this section.

○