

**Calendar No. 74**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.

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**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, Mr. CRAMER, Mr. CASEY, Mr. PORTMAN, Mr. PETERS, Mr. DURBIN, Mr. SCHATZ, Mr. KELLY, Mr. SCOTT of South Carolina, Mr. BLUNT, Ms. HASSAN, Mr. ROUNDS, Ms. DUCKWORTH, Mr. KAINE, Ms. CORTEZ MASTO, and Mr. HICKENLOOPER) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

JUNE 14, 2021

Reported by Ms. STABENOW, without amendment

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**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,*

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

19 (3) to assist covered entities in certifying under  
20 the Program; and

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

24 (b) DEFINITIONS.—In this section:

1           (1) ADVISORY COUNCIL.—The term “Advisory  
2           Council” means the Greenhouse Gas Technical As-  
3           sistance Provider and Third-Party Verifier Certifi-  
4           cation Program Advisory Council established under  
5           subsection (g)(1).

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

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

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

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

24                          (i) prevent, reduce, or mitigate green-  
25                          house gas emissions; or

1 (ii) sequester carbon; or

2 (B) is a third-party verifier entity that  
3 conducts the verification of the processes de-  
4 scribed in protocols for voluntary environmental  
5 credit markets.

6 (5) GREENHOUSE GAS.—The term “greenhouse  
7 gas” means—

8 (A) carbon dioxide;

9 (B) methane;

10 (C) nitrous oxide; and

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

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

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

23 (A) for the development of projects to pre-  
24 vent, reduce, or mitigate greenhouse gas emis-

1           sions or sequester carbon that include 1 or  
2           more baseline scenarios; and

3           (B) to quantify, monitor, report, and verify  
4           the prevention, reduction, or mitigation of  
5           greenhouse gas emissions or carbon sequestra-  
6           tion by projects described in subparagraph (A).

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

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

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

23          (11) VOLUNTARY ENVIRONMENTAL CREDIT  
24          MARKET.—The term “voluntary environmental cred-  
25          it market” means a voluntary market through which

1 agriculture or forestry credits may be bought or  
2 sold.

3 (c) ESTABLISHMENT.—

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

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

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

1 the reasons the Program would not further those  
2 purposes.

3 (d) CERTIFICATION QUALIFICATIONS.—

4 (1) IN GENERAL.—

5 (A) PROTOCOLS AND QUALIFICATIONS.—

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

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

18 (I) calculations;

19 (II) sampling methodologies;

20 (III) accounting principles;

21 (IV) systems for verification,  
22 monitoring, measurement, and report-  
23 ing; and

24 (V) methods to account for  
25 additionality, permanence, leakage,

1 and, where appropriate, avoidance of  
2 double counting; and

3 (ii) descriptions of qualifications for  
4 covered entities that—

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

11 (II) demonstrate proficiency with  
12 the protocols described in clause (i).

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

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



1 (ii) the verification of the processes  
2 described in protocols for voluntary envi-  
3 ronmental credit markets that are used in  
4 carrying out activities described in para-  
5 graph (2).

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

12 (A) land or soil carbon sequestration;

13 (B) emissions reductions derived from fuel  
14 choice or reduced fuel use;

15 (C) livestock emissions reductions, includ-  
16 ing emissions reductions achieved through—

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

19 (ii) manure management practices;

20 (D) on-farm energy generation;

21 (E) energy feedstock production;

22 (F) fertilizer or nutrient use emissions re-  
23 ductions;

24 (G) reforestation;

1 (H) forest management, including improv-  
2 ing harvesting practices and thinning diseased  
3 trees;

4 (I) prevention of the conversion of forests,  
5 grasslands, and wetlands;

6 (J) restoration of wetlands or grasslands;

7 (K) grassland management, including pre-  
8 scribed grazing;

9 (L) current practices associated with pri-  
10 vate land conservation programs administered  
11 by the Secretary; and

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

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

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

25 (i) quantification;

- 1 (ii) verification;
- 2 (iii) additionality;
- 3 (iv) permanence;
- 4 (v) reporting; and
- 5 (vi) other expertise, as determined by
- 6 the Secretary; and

7 (B) ensure that a covered entity certified  
8 under the Program is required to perform, and  
9 to demonstrate expertise, as determined by the  
10 Secretary, in accordance with best management  
11 practices for agricultural and forestry activities  
12 that prevent, reduce, or mitigate greenhouse  
13 gas emissions or sequester carbon.

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

21 (e) CERTIFICATION, WEBSITE, AND PUBLICATION OF  
22 LISTS.—

23 (1) CERTIFICATION.—A covered entity may  
24 self-certify under the Program by submitting to the

1 Secretary, through a website maintained by the Sec-  
2 retary—

3 (A) a notification that the covered entity  
4 will—

5 (i) maintain expertise in the protocols  
6 described in clause (i) of subsection  
7 (d)(1)(A); and

8 (ii) adhere to the qualifications de-  
9 scribed in clause (ii) of that subsection;  
10 and

11 (B) appropriate documentation dem-  
12 onstrating the expertise described in subpara-  
13 graph (A)(i) and qualifications described in  
14 subparagraph (A)(ii).

15 (2) WEBSITE AND SOLICITATION.—During the  
16 180-day period beginning on the date on which the  
17 Program is established, the Secretary shall publish,  
18 through an existing website maintained by the Sec-  
19 retary—

20 (A) information describing how covered en-  
21 tities may self-certify under the Program in ac-  
22 cordance with paragraph (1);

23 (B) information describing how covered en-  
24 tities may obtain, through private training pro-

1           grams or Department of Agriculture training  
2           programs, the requisite expertise—

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

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

7                   (C) the protocols and qualifications pub-  
8                   lished by the Secretary under subsection  
9                   (d)(1)(A); and

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

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

18                          (ii) by providing information relating  
19                          to programs, registries, and protocols of  
20                          programs and registries that provide mar-  
21                          ket-based participation opportunities for  
22                          working and conservation agricultural and  
23                          forestry lands.

24                  (3) PUBLICATION.—During the 1-year period  
25                  beginning on the date on which the Program is es-

1        established, the Secretary, in consultation with the Ad-  
2        visory Council and following the review by the Sec-  
3        retary for completeness and accuracy of the certifi-  
4        cation notifications and documentation submitted  
5        under paragraph (1), shall use an existing website  
6        maintained by the Secretary to publish—

7                (A) a list of covered entities that are cer-  
8                tified under paragraph (1) as technical assist-  
9                ance providers; and

10              (B) a list of covered entities that are cer-  
11              tified under paragraph (1) as verifiers of the  
12              processes described in protocols for voluntary  
13              environmental credit markets.

14              (4) UPDATES.—Not less frequently than quar-  
15              terly, the Secretary, in consultation with the Advi-  
16              sory Council, shall update the lists published under  
17              paragraph (3).

18              (5) SUBMISSION.—The Secretary shall notify  
19              Congress of the publication of the initial list under  
20              paragraph (3).

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

23                      (A) to maintain expertise in the protocols  
24                      described in subparagraph (A)(i) of subsection  
25                      (d)(1); and

1 (B) to adhere to the qualifications de-  
2 scribed in subparagraph (A)(ii) of that sub-  
3 section.

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

10 (A) technical assistance providers; and

11 (B) verifiers of the processes described in  
12 protocols for voluntary environmental credit  
13 markets.

14 (8) REVOCATION OF CERTIFICATION.—

15 (A) IN GENERAL.—The Secretary may re-  
16 voke the certification of a covered entity under  
17 the Program in the event of—

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

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

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

1 (i) request from that covered entity  
2 contact information for all farmers, ranch-  
3 ers, and private forest landowners to which  
4 the covered entity provided technical as-  
5 sistance or the verification of the processes  
6 described in protocols for voluntary envi-  
7 ronmental credit markets; and

8 (ii) notify those farmers, ranchers,  
9 and private forest landowners of the rev-  
10 ocation.

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

15 (A) to provide realistic estimates of costs  
16 and revenues relating to activities and  
17 verification of processes, as applicable to the  
18 covered entity, as described in subsection  
19 (d)(2); and

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



1           (10) SAVINGS CLAUSE.—Nothing in this section  
2 authorizes the Secretary to compel a farmer, ranch-  
3 er, or private forest landowner to participate in a  
4 transaction or project facilitated by a covered entity  
5 certified under paragraph (1).

6 (f) ENFORCEMENT.—

7           (1) PROHIBITION ON CLAIMS.—

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

15           (B) PENALTY.—Any person that violates  
16 subparagraph (A) shall be—

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

21           (ii) ineligible to certify under the Pro-  
22 gram for the 5-year period beginning on  
23 the date of the violation.

24           (2) SUBMISSION OF FRAUDULENT INFORMA-  
25 TION.—

1 (A) IN GENERAL.—A person, regardless of  
 2 whether the person is certified under the pro-  
 3 gram, shall not submit fraudulent information  
 4 as part of a notification under subsection  
 5 (e)(1).

6 (B) PENALTY.—Any person that violates  
 7 subparagraph (A) shall be—

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

12 (ii) ineligible to certify under the Pro-  
 13 gram for the 5-year period beginning on  
 14 the date of the violation.

15 (g) GREENHOUSE GAS TECHNICAL ASSISTANCE  
 16 PROVIDER AND THIRD-PARTY VERIFIER CERTIFICATION  
 17 PROGRAM ADVISORY COUNCIL.—

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

24 (2) MEMBERSHIP.—

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

4 (B) GENERAL REPRESENTATION.—The  
5 Advisory Council shall—

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

8 (ii) include socially disadvantaged  
9 farmers and ranchers and other historically  
10 underserved farmers, ranchers, or private  
11 forest landowners; and

12 (iii) be composed of not less than 51  
13 percent farmers, ranchers, or private forest  
14 landowners.

15 (C) MEMBERS.—Members appointed under  
16 subparagraph (A) shall include—

17 (i) not more than 2 representatives of  
18 the Department of Agriculture, as deter-  
19 mined by the Secretary;

20 (ii) not more than 1 representative of  
21 the Environmental Protection Agency, as  
22 determined by the Administrator of the  
23 Environmental Protection Agency;

1 (iii) not more than 1 representative of  
2 the National Institute of Standards and  
3 Technology;

4 (iv) not fewer than 12 representatives  
5 of the agriculture industry, appointed in a  
6 manner that is broadly representative of  
7 the agriculture sector, including not fewer  
8 than 6 active farmers and ranchers;

9 (v) not fewer than 4 representatives of  
10 private forest landowners or the forestry  
11 and forest products industry appointed in  
12 a manner that is broadly representative of  
13 the private forest sector;

14 (vi) not more than 4 representatives  
15 of the relevant scientific research commu-  
16 nity, including not fewer than 2 represent-  
17 atives from land-grant colleges and univer-  
18 sities (as defined in section 1404 of the  
19 National Agricultural Research, Extension,  
20 and Teaching Policy Act of 1977 (7 U.S.C.  
21 3103)), of which 1 shall be a representa-  
22 tive of a college or university eligible to re-  
23 ceive funds under the Act of August 30,  
24 1890 (commonly known as the “Second  
25 Morrill Act”) (26 Stat. 417, chapter 841;

1           7 U.S.C. 321 et seq.), including Tuskegee  
2           University;

3           (vii) not more than 2 experts or pro-  
4           fessionals familiar with voluntary environ-  
5           mental credit markets and the verification  
6           requirements in those markets;

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

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

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

1           (D) CHAIR.—The Secretary shall designate  
2 a member of the Advisory Council to serve as  
3 the Chair.

4           (E) TERMS.—

5           (i) IN GENERAL.—The term of a  
6 member of the Advisory Council shall be 2  
7 years, except that, of the members first ap-  
8 pointed—

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

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

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

15           (ii) ADDITIONAL TERMS.—After the  
16 initial term of a member of the Advisory  
17 Council, including the members first ap-  
18 pointed, the member may serve not more  
19 than 4 additional 2-year terms.

20           (3) MEETINGS.—

21           (A) FREQUENCY.—The Advisory Council  
22 shall meet not less frequently than annually, at  
23 the call of the Chair.

24           (B) INITIAL MEETING.—During the 90-day  
25 period beginning on the date on which the

1 members are appointed under paragraph  
2 (2)(A), the Advisory Council shall hold an ini-  
3 tial meeting.

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

5 (A) periodically review and recommend any  
6 appropriate changes to—

7 (i) the list of protocols and description  
8 of qualifications published by the Secretary  
9 under subsection (d)(1)(A); and

10 (ii) the requirements described in sub-  
11 section (d)(1)(B);

12 (B) make recommendations to the Sec-  
13 retary regarding the best practices that should  
14 be included in the protocols, description of  
15 qualifications, and requirements described in  
16 subparagraph (A); and

17 (C) advise the Secretary regarding—

18 (i) the current methods used by vol-  
19 untary environmental credit markets to  
20 quantify and verify the prevention, reduc-  
21 tion, and mitigation of greenhouse gas  
22 emissions or sequestration of carbon;

23 (ii) additional considerations for certi-  
24 fying covered entities under the Program;

1 (iii) means to reduce barriers to entry  
2 in the business of providing technical as-  
3 sistance or the verification of the processes  
4 described in protocols for voluntary envi-  
5 ronmental credit markets for covered enti-  
6 ties, including by improving technical as-  
7 sistance provided by the Secretary;

8 (iv) means to reduce compliance and  
9 verification costs for farmers, ranchers,  
10 and private forest landowners in entering  
11 voluntary environmental credit markets, in-  
12 cluding through mechanisms and processes  
13 to aggregate the value of activities across  
14 land ownership;

15 (v) issues relating to land and asset  
16 ownership in light of evolving voluntary en-  
17 vironmental credit markets; and

18 (vi) additional means to reduce bar-  
19 riers to entry in voluntary environmental  
20 credit markets for farmers, ranchers, and  
21 private forest landowners, particularly for  
22 historically underserved, socially disadvan-  
23 taged, or limited resource farmers, ranch-  
24 ers, or private forest landowners.



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

3           (6) CONFLICT OF INTEREST.—The Secretary  
4       shall prohibit any member of the Advisory Council  
5       from—

6           (A) engaging in any determinations or ac-  
7       tivities of the Advisory Council that may result  
8       in the favoring of, or a direct and predictable  
9       effect on—

10           (i) the member or a family member,  
11       as determined by the Secretary;

12           (ii) stock owned by the member or a  
13       family member, as determined by the Sec-  
14       retary; or

15           (iii) the employer of, or a business  
16       owned in whole or in part by, the member  
17       or a family member, as determined by the  
18       Secretary; or

19           (B) providing advice or recommendations  
20       regarding, or otherwise participating in, mat-  
21       ters of the Advisory Council that—

22           (i) constitute a conflict of interest  
23       under section 208 of title 18, United  
24       States Code; or

1 (ii) may call into question the integ-  
2 rity of the Advisory Council, the Program,  
3 or the technical assistance or verification  
4 activities described under subsection  
5 (d)(2).

6 (7) FACA APPLICABILITY.—The Advisory  
7 Council shall be subject to the Federal Advisory  
8 Committee Act (5 U.S.C. App.), except that section  
9 14(a)(2) of that Act shall not apply.

10 (h) ASSESSMENT.—

11 (1) IN GENERAL.—Not later than 240 days  
12 after the date of enactment of this Act, the Sec-  
13 retary, in consultation with the Administrator of the  
14 Environmental Protection Agency, shall—

15 (A) conduct an assessment, including by  
16 incorporating information from existing publica-  
17 tions and reports of the Department of Agri-  
18 culture and other entities with relevant exper-  
19 tise, regarding—

20 (i) the number and categories of non-  
21 Federal actors in the nonprofit and for-  
22 profit sectors involved in buying, selling,  
23 and trading agriculture or forestry credits  
24 in voluntary environmental credit markets;

1 (ii) the estimated overall domestic  
2 market demand for agriculture or forestry  
3 credits at the end of the preceding 4-cal-  
4 endar year period, and historically, in vol-  
5 untary environmental credit markets;

6 (iii) the total number of agriculture or  
7 forestry credits (measured in metric tons  
8 of carbon dioxide equivalent) that were es-  
9 timated to be in development, generated,  
10 or sold in market transactions during the  
11 preceding 4-calendar year period, and his-  
12 torically, in voluntary environmental credit  
13 markets;

14 (iv) the estimated supply and demand  
15 of metric tons of carbon dioxide equivalent  
16 of offsets in the global marketplace for the  
17 next 4 years;

18 (v) the barriers to entry due to com-  
19 pliance and verification costs described in  
20 subsection (g)(4)(C)(iv);

21 (vi) the state of monitoring and meas-  
22 urement technologies needed to quantify  
23 long-term carbon sequestration in soils and  
24 from other activities to prevent, reduce, or

1 mitigate greenhouse gas emissions in the  
2 agriculture and forestry sectors;

3 (vii) means to reduce barriers to entry  
4 into voluntary environmental credit mar-  
5 kets for small, beginning, and socially dis-  
6 advantaged farmers, ranchers, and private  
7 forest landowners and the extent to which  
8 existing protocols in voluntary environ-  
9 mental credit markets allow for aggrega-  
10 tion of projects among farmers, ranchers,  
11 and private forest landowners;

12 (viii) means to leverage existing De-  
13 partment of Agriculture programs and  
14 other Federal programs that could im-  
15 prove, lower the costs of, and enhance the  
16 deployment of monitoring and measure-  
17 ment technologies described in clause (vi);

18 (ix) the potential impact of Depart-  
19 ment of Agriculture activities on supply  
20 and demand of agriculture or forestry  
21 credits;

22 (x) the potential role of the Depart-  
23 ment of Agriculture in encouraging innova-  
24 tion in voluntary environmental credit mar-  
25 kets;

1           (xi) the extent to which the existing  
2 regimes for generating and selling agri-  
3 culture or forestry credits, as the regimes  
4 exist at the end of the preceding 4-cal-  
5 endar year period, and historically, and ex-  
6 isting voluntary environmental credit mar-  
7 kets, may be impeded or constricted, or  
8 achieve greater scale and reach, if the De-  
9 partment of Agriculture were involved, in-  
10 cluding by considering the role of the De-  
11 partment of Agriculture in reducing the  
12 barriers to entry identified under clause  
13 (v), including by educating stakeholders  
14 about voluntary environmental credit mar-  
15 kets;

16           (xii) the extent to which existing pro-  
17 tocols in voluntary environmental credit  
18 markets, including verification,  
19 additionality, permanence, and reporting,  
20 adequately take into consideration and ac-  
21 count for factors encountered by the agri-  
22 culture and private forest sectors in pre-  
23 venting, reducing, or mitigating greenhouse  
24 gases or sequestering carbon through agri-  
25 culture and forestry practices, considering

1 variances across regions, topography, soil  
2 types, crop or species varieties, and busi-  
3 ness models;

4 (xiii) the extent to which existing pro-  
5 tocols in voluntary environmental credit  
6 markets consider options to ensure the  
7 continued valuation, through discounting  
8 or other means, of agriculture and forestry  
9 credits in the case of the practices under-  
10 lying those credits being disrupted due to  
11 unavoidable events, including production  
12 challenges and natural disasters; and

13 (xiv) opportunities for other voluntary  
14 markets outside of voluntary environmental  
15 credit markets to foster the trading, buy-  
16 ing, or selling of credits that are derived  
17 from activities that provide other eco-  
18 system service benefits, including activities  
19 that improve water quality, water quantity,  
20 wildlife habitat enhancement, and other  
21 ecosystem services, as the Secretary deter-  
22 mines appropriate;

23 (B) publish the assessment; and

24 (C) submit the assessment to the Com-  
25 mittee on Agriculture, Nutrition, and Forestry

1 of the Senate and the Committee on Agri-  
2 culture of the House of Representatives.

3 (2) QUADRIENNIAL ASSESSMENT.—The Sec-  
4 retary, in consultation with the Administrator of the  
5 Environmental Protection Agency and the Advisory  
6 Council, shall conduct the assessment described in  
7 paragraph (1)(A) and publish and submit the assess-  
8 ment in accordance with subparagraphs (B) and (C)  
9 of paragraph (1) every 4 years after the publication  
10 and submission of the first assessment under sub-  
11 subparagraphs (B) and (C) of paragraph (1).

12 (i) REPORT.—Not later than 2 years after the date  
13 on which the Program is established, and every 2 years  
14 thereafter, the Secretary shall publish and submit to the  
15 Committee on Agriculture, Nutrition, and Forestry of the  
16 Senate and the Committee on Agriculture of the House  
17 of Representatives a report describing, for the period cov-  
18 ered by the report—

19 (1) the number of covered entities that—

20 (A) were registered under the Program;

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

23 (C) did not renew their registration under  
24 the Program, if applicable;

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

4           (3) a review of the outcomes of the Program,  
5           including—

6                   (A) the ability of farmers, ranchers, and  
7                   private forest landowners, including small, be-  
8                   ginning, and socially disadvantaged farmers,  
9                   ranchers, and private forest landowners, to de-  
10                  velop agriculture or forestry credits through  
11                  covered entities certified under the Program;

12                  (B) methods to improve the ability of  
13                  farmers, ranchers, and private forest land-  
14                  owners to overcome barriers to entry to vol-  
15                  untary environmental credit markets; and

16                  (C) methods to further facilitate participa-  
17                  tion of farmers, ranchers, and private forest  
18                  landowners in voluntary environmental credit  
19                  markets; and

20           (4) any recommendations for improvements to  
21           the Program.

22           (j) CONFIDENTIALITY.—

23                   (1) PROHIBITION.—

24                           (A) IN GENERAL.—Except as provided in  
25                           paragraph (2), the Secretary, any other officer



1 or employee of the Department of Agriculture  
2 or any agency of the Department of Agri-  
3 culture, or any other person may not disclose to  
4 the public the information held by the Secretary  
5 described in subparagraph (B).

6 (B) INFORMATION.—

7 (i) IN GENERAL.—Except as provided  
8 in clause (ii), the information prohibited  
9 from disclosure under subparagraph (A)  
10 is—

11 (I) information collected by the  
12 Secretary or published by the Sec-  
13 retary under subsection (h) or (i);

14 (II) personally identifiable infor-  
15 mation, including in a contract or  
16 service agreement, of a farmer, ranch-  
17 er, or private forest landowner, ob-  
18 tained by the Secretary under para-  
19 graph (7) or (8)(B)(i) of subsection  
20 (e); and

21 (III) confidential business infor-  
22 mation in a contract or service agree-  
23 ment of a farmer, rancher, or private  
24 forest landowner obtained by the Sec-

1                   retary under paragraph (7) or  
2                   (8)(B)(i) of subsection (e).

3                   (ii) AGGREGATED RELEASE.—Infor-  
4                   mation described in clause (i) may be re-  
5                   leased to the public if the information has  
6                   been transformed into a statistical or ag-  
7                   gregate form that does not allow the iden-  
8                   tification of the person who supplied or is  
9                   the subject of the particular information.

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

12                         (A) of the name of any covered entity pub-  
13                         lished and submitted by the Secretary under  
14                         subsection (i)(2); or

15                         (B) by an officer or employee of the Fed-  
16                         eral Government of information described in  
17                         paragraph (1)(B) as otherwise directed by the  
18                         Secretary or the Attorney General for enforce-  
19                         ment purposes.

20                  (k) FUNDING.—

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

1 (2) DIRECT FUNDING.—

2 (A) RESCISSION.—There is rescinded  
3 \$4,100,000 of the unobligated balance of  
4 amounts made available by section 1003 of the  
5 American Rescue Plan Act of 2021 (Public Law  
6 117–2).

7 (B) DIRECT FUNDING.—If sufficient unob-  
8 ligated amounts made available by section 1003  
9 of the American Rescue Plan Act of 2021 (Pub-  
10 lic Law 117–2) are available on the date of en-  
11 actment of this Act to execute the entire rescis-  
12 sion described in subparagraph (A), then on the  
13 day after the execution of the entire rescission,  
14 there is appropriated to the Secretary, out of  
15 amounts in the Treasury not otherwise appro-  
16 priated, \$4,100,000 to carry out this section.

**Calendar No. 74**

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1251**

**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.

JUNE 14, 2021

Reported without amendment