

117TH CONGRESS
1ST SESSION

S. _____

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

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, and Mr. WARNOCK) introduced the following bill; which was read twice and referred to the Committee on _____

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”.

1 **SEC. 2. GREENHOUSE GAS TECHNICAL ASSISTANCE PRO-**
2 **VIDER AND THIRD-PARTY VERIFIER CERTIFI-**
3 **CATION PROGRAM.**

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

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

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

14 (3) to assist covered entities in certifying under
15 the Program; and

16 (4) to establish the Advisory Council to advise
17 the Secretary regarding the Program and other re-
18 lated matters.

19 (b) DEFINITIONS.—In this section:

20 (1) ADVISORY COUNCIL.—The term “Advisory
21 Council” means the Greenhouse Gas Technical As-
22 sistance Provider and Third-Party Verifier Certifi-
23 cation Program Advisory Council established under
24 subsection (g)(1).

25 (2) AGRICULTURE OR FORESTRY CREDIT.—The
26 term “agriculture or forestry credit” means a credit

1 derived from the prevention, reduction, or mitigation
2 of greenhouse gas emissions or carbon sequestration
3 on agricultural land or private forest land that may
4 be bought or sold on a voluntary environmental cred-
5 it market.

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

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

13 (A) is a provider of technical assistance to
14 farmers, ranchers, or private forest landowners
15 in carrying out sustainable land use manage-
16 ment practices that—

17 (i) prevent, reduce, or mitigate green-
18 house gas emissions; or

19 (ii) sequester carbon; or

20 (B) is a third-party verifier entity that
21 conducts the verification of the processes de-
22 scribed in protocols for voluntary environmental
23 credit markets.

24 (5) GREENHOUSE GAS.—The term “greenhouse
25 gas” means—

1 (A) carbon dioxide;

2 (B) methane;

3 (C) nitrous oxide; and

4 (D) any other gas that the Secretary, in
5 consultation with the Advisory Council, deter-
6 mines has been identified to have heat trapping
7 qualities.

8 (6) PROGRAM.—The term “Program” means
9 the Greenhouse Gas Technical Assistance Provider
10 and Third-Party Verifier Certification Program es-
11 tablished under subsection (c).

12 (7) PROTOCOL.—The term “protocol” means a
13 systematic approach that follows a science-based
14 methodology that is transparent and thorough to es-
15 tablish requirements—

16 (A) for the development of projects to pre-
17 vent, reduce, or mitigate greenhouse gas emis-
18 sions or sequester carbon that include 1 or
19 more baseline scenarios; and

20 (B) to quantify, monitor, report, and verify
21 the prevention, reduction, or mitigation of
22 greenhouse gas emissions or carbon sequestra-
23 tion by projects described in subparagraph (A).

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

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

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

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

20 (c) ESTABLISHMENT.—

21 (1) IN GENERAL.—On the date that is 270 days
22 after the date of enactment of this Act, and after
23 making a positive determination under paragraph
24 (2), the Secretary shall establish a voluntary pro-
25 gram, to be known as the “Greenhouse Gas Tech-

1 nical Assistance Provider and Third-Party Verifier
2 Certification Program”, to certify covered entities
3 that the Secretary determines meet the requirements
4 described in subsection (d).

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

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

20 (d) CERTIFICATION QUALIFICATIONS.—

21 (1) IN GENERAL.—

22 (A) PROTOCOLS AND QUALIFICATIONS.—
23 After providing public notice and at least a 60-
24 day period for public comment, the Secretary
25 shall, during the 90-day period beginning on

1 the date on which the Program is established,
2 publish—

3 (i) a list of, and documents relating
4 to, recognized protocols for voluntary envi-
5 ronmental credit markets that are designed
6 to ensure consistency, reliability, effective-
7 ness, efficiency, and transparency, includ-
8 ing protocol documents and details relating
9 to—

10 (I) calculations;

11 (II) sampling methodologies;

12 (III) accounting principles;

13 (IV) systems for verification,
14 monitoring, measurement, and report-
15 ing; and

16 (V) methods to account for
17 additionality, permanence, leakage,
18 and, where appropriate, avoidance of
19 double counting; and

20 (ii) descriptions of qualifications for
21 covered entities that—

22 (I) demonstrate that the covered
23 entity can assist farmers, ranchers,
24 and private forest landowners in ac-
25 complishing the purposes described in

1 paragraphs (1) and (2) of subsection
2 (a); and

3 (II) demonstrate proficiency with
4 the protocols described in clause (i).

5 (B) REQUIREMENTS.—Covered entities
6 certified under the Program shall maintain ex-
7 pertise in the protocols described in subpara-
8 graph (A)(i), adhere to the qualifications de-
9 scribed in subparagraph (A)(ii), and adhere to
10 any relevant conflict of interest requirements,
11 as determined appropriate by the Secretary,
12 for—

13 (i) the provision of technical assist-
14 ance to farmers, ranchers, and private for-
15 est landowners for carrying out activities
16 described in paragraph (2); or

17 (ii) the verification of the processes
18 described in protocols for voluntary envi-
19 ronmental credit markets that are used in
20 carrying out activities described in para-
21 graph (2).

22 (2) ACTIVITIES.—The activities for which cov-
23 ered entities may provide technical assistance or con-
24 duct verification of processes under the Program are
25 current and future activities that prevent, reduce, or

1 mitigate greenhouse gas emissions or sequester car-
2 bon, which may include—

3 (A) land or soil carbon sequestration;

4 (B) emissions reductions derived from fuel
5 choice or reduced fuel use;

6 (C) livestock emissions reductions, includ-
7 ing emissions reductions achieved through—

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

10 (ii) manure management practices;

11 (D) on-farm energy generation;

12 (E) energy feedstock production;

13 (F) fertilizer or nutrient use emissions re-
14 ductions;

15 (G) reforestation;

16 (H) forest management, including improv-
17 ing harvesting practices and thinning diseased
18 trees;

19 (I) prevention of the conversion of forests,
20 grasslands, and wetlands;

21 (J) restoration of wetlands or grasslands;

22 (K) grassland management, including pre-
23 scribed grazing;

1 (L) current practices associated with pri-
2 vate land conservation programs administered
3 by the Secretary; and

4 (M) such other activities, or combinations
5 of activities, that the Secretary, in consultation
6 with the Advisory Council, determines to be ap-
7 propriate.

8 (3) REQUIREMENTS.—In publishing the list of
9 protocols and description of qualifications under
10 paragraph (1)(A), the Secretary, in consultation
11 with the Advisory Council, shall—

12 (A) ensure that the requirements for cov-
13 ered entities to certify under the Program in-
14 clude maintaining expertise in all relevant infor-
15 mation relating to market-based protocols, as
16 appropriate, with regard to—

17 (i) quantification;

18 (ii) verification;

19 (iii) additionality;

20 (iv) permanence;

21 (v) reporting; and

22 (vi) other expertise, as determined by
23 the Secretary; and

24 (B) ensure that a covered entity certified
25 under the Program is required to perform, and

1 to demonstrate expertise, as determined by the
2 Secretary, in accordance with best management
3 practices for agricultural and forestry activities
4 that prevent, reduce, or mitigate greenhouse
5 gas emissions or sequester carbon.

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

13 (e) CERTIFICATION, WEBSITE, AND PUBLICATION OF
14 LISTS.—

15 (1) CERTIFICATION.—A covered entity may
16 self-certify under the Program by submitting to the
17 Secretary, through a website maintained by the Sec-
18 retary—

19 (A) a notification that the covered entity
20 will—

21 (i) maintain expertise in the protocols
22 described in clause (i) of subsection
23 (d)(1)(A); and

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

4 (B) appropriate documentation dem-
5 onstrating the expertise described in subpara-
6 graph (A)(i) and qualifications described in
7 subparagraph (A)(ii).

8 (2) WEBSITE AND SOLICITATION.—During the
9 180-day period beginning on the date on which the
10 Program is established, the Secretary shall publish,
11 through an existing website maintained by the Sec-
12 retary—

13 (A) information describing how covered en-
14 tities may self-certify under the Program in ac-
15 cordance with paragraph (1);

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

20 (i) in the protocols described in clause
21 (i) of subsection (d)(1)(A); and

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (7) AUDITING.—Not less frequently than annu-
24 ally, the Secretary shall conduct audits of covered
25 entities that are certified under the Program to en-

1 sure compliance with the requirements under sub-
2 section (d)(1)(B) through an audit process that in-
3 cludes a representative sample of—

4 (A) technical assistance providers; and

5 (B) verifiers of the processes described in
6 protocols for voluntary environmental credit
7 markets.

8 (8) REVOCATION OF CERTIFICATION.—

9 (A) IN GENERAL.—The Secretary may re-
10 voke the certification of a covered entity under
11 the Program in the event of—

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

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

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

19 (i) request from that covered entity
20 contact information for all farmers, ranch-
21 ers, and private forest landowners to which
22 the covered entity provided technical as-
23 sistance or the verification of the processes
24 described in protocols for voluntary envi-
25 ronmental credit markets; and

1 (ii) notify those farmers, ranchers,
2 and private forest landowners of the rev-
3 ocation.

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

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

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

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

24 (f) ENFORCEMENT.—

25 (1) PROHIBITION ON CLAIMS.—

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

8 (B) PENALTY.—Any person that violates
9 subparagraph (A) shall be—

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

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

17 (2) SUBMISSION OF FRAUDULENT INFORMA-
18 TION.—

19 (A) IN GENERAL.—A person, regardless of
20 whether the person is certified under the pro-
21 gram, shall not submit fraudulent information
22 as part of a notification under subsection
23 (e)(1).

24 (B) PENALTY.—Any person that violates
25 subparagraph (A) shall be—

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

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

8 (g) GREENHOUSE GAS TECHNICAL ASSISTANCE
9 PROVIDER AND THIRD-PARTY VERIFIER CERTIFICATION
10 PROGRAM ADVISORY COUNCIL.—

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

17 (2) MEMBERSHIP.—

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

21 (B) GENERAL REPRESENTATION.—The
22 Advisory Council shall—

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

1 (ii) include socially disadvantaged
2 farmers and ranchers and other historically
3 underserved farmers, ranchers, or private
4 forest landowners; and

5 (iii) be composed of not less than 51
6 percent farmers, ranchers, or private forest
7 landowners.

8 (C) MEMBERS.—Members appointed under
9 subparagraph (A) shall include—

10 (i) not more than 2 representatives of
11 the Department of Agriculture, as deter-
12 mined by the Secretary;

13 (ii) not more than 1 representative of
14 the Environmental Protection Agency, as
15 determined by the Administrator of the
16 Environmental Protection Agency;

17 (iii) not more than 1 representative of
18 the National Institute of Standards and
19 Technology;

20 (iv) not fewer than 12 representatives
21 of the agriculture industry, appointed in a
22 manner that is broadly representative of
23 the agriculture sector, including not fewer
24 than 6 active farmers and ranchers;

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

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

20 (vii) not more than 2 experts or pro-
21 fessionals familiar with voluntary environ-
22 mental credit markets and the verification
23 requirements in those markets;

24 (viii) not more than 3 members of
25 nongovernmental or civil society organiza-

1 tions with relevant expertise, of which not
2 fewer than 1 shall represent the interests
3 of socially disadvantaged groups;

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

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

16 (D) CHAIR.—The Secretary shall designate
17 a member of the Advisory Council to serve as
18 the Chair.

19 (E) TERMS.—

20 (i) IN GENERAL.—The term of a
21 member of the Advisory Council shall be 2
22 years, except that, of the members first ap-
23 pointed—

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

22

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

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

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

10 (3) MEETINGS.—

11 (A) FREQUENCY.—The Advisory Council
12 shall meet not less frequently than annually, at
13 the call of the Chair.

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

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

20 (A) periodically review and recommend any
21 appropriate changes to—

22 (i) the list of protocols and description
23 of qualifications published by the Secretary
24 under subsection (d)(1)(A); and

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

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

8 (C) advise the Secretary regarding—

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

14 (ii) additional considerations for certi-
15 fying covered entities under the Program;

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

23 (iv) means to reduce compliance and
24 verification costs for farmers, ranchers,
25 and private forest landowners in entering

1 voluntary environmental credit markets, in-
2 cluding through mechanisms and processes
3 to aggregate the value of activities across
4 land ownership;

5 (v) issues relating to land and asset
6 ownership in light of evolving voluntary en-
7 vironmental credit markets; and

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

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

17 (6) CONFLICT OF INTEREST.—The Secretary
18 shall prohibit any member of the Advisory Council
19 from—

20 (A) engaging in any determinations or ac-
21 tivities of the Advisory Council that may result
22 in the favoring of, or a direct and predictable
23 effect on—

24 (i) the member or a family member,
25 as determined by the Secretary;

1 (ii) stock owned by the member or a
2 family member, as determined by the Sec-
3 retary; or

4 (iii) the employer of, or a business
5 owned in whole or in part by, the member
6 or a family member, as determined by the
7 Secretary; or

8 (B) providing advice or recommendations
9 regarding, or otherwise participating in, mat-
10 ters of the Advisory Council that—

11 (i) constitute a conflict of interest
12 under section 208 of title 18, United
13 States Code; or

14 (ii) may call into question the integ-
15 rity of the Advisory Council, the Program,
16 or the technical assistance or verification
17 activities described under subsection
18 (d)(2).

19 (7) FACA APPLICABILITY.—The Advisory
20 Council shall be subject to the Federal Advisory
21 Committee Act (5 U.S.C. App.), except that section
22 14(a)(2) of that Act shall not apply.

23 (h) ASSESSMENT.—

24 (1) IN GENERAL.—Not later than 240 days
25 after the date of enactment of this Act, the Sec-

1 retary, in consultation with the Administrator of the
2 Environmental Protection Agency, shall—

3 (A) conduct an assessment, including by
4 incorporating information from existing publica-
5 tions and reports of the Department of Agri-
6 culture and other entities with relevant exper-
7 tise, regarding—

8 (i) the number and categories of non-
9 Federal actors in the nonprofit and for-
10 profit sectors involved in buying, selling,
11 and trading agriculture or forestry credits
12 in voluntary environmental credit markets;

13 (ii) the estimated overall domestic
14 market demand for agriculture or forestry
15 credits at the end of the preceding 4-cal-
16 endar year period, and historically, in vol-
17 untary environmental credit markets;

18 (iii) the total number of agriculture or
19 forestry credits (measured in metric tons
20 of carbon dioxide equivalent) that were es-
21 timated to be in development, generated,
22 or sold in market transactions during the
23 preceding 4-calendar year period, and his-
24 torically, in voluntary environmental credit
25 markets;

1 (iv) the estimated supply and demand
2 of metric tons of carbon dioxide equivalent
3 of offsets in the global marketplace for the
4 next 4 years;

5 (v) the barriers to entry due to com-
6 pliance and verification costs described in
7 subsection (g)(4)(C)(iv);

8 (vi) the state of monitoring and meas-
9 urement technologies needed to quantify
10 long-term carbon sequestration in soils and
11 from other activities to prevent, reduce, or
12 mitigate greenhouse gas emissions in the
13 agriculture and forestry sectors;

14 (vii) means to reduce barriers to entry
15 into voluntary environmental credit mar-
16 kets for small, beginning, and socially dis-
17 advantaged farmers, ranchers, and private
18 forest landowners and the extent to which
19 existing protocols in voluntary environ-
20 mental credit markets allow for aggrega-
21 tion of projects among farmers, ranchers,
22 and private forest landowners;

23 (viii) means to leverage existing De-
24 partment of Agriculture programs and
25 other Federal programs that could im-

1 prove, lower the costs of, and enhance the
2 deployment of monitoring and measure-
3 ment technologies described in clause (vi);
4 (ix) the potential impact of Depart-
5 ment of Agriculture activities on supply
6 and demand of agriculture or forestry
7 credits;
8 (x) the potential role of the Depart-
9 ment of Agriculture in encouraging innova-
10 tion in voluntary environmental credit mar-
11 kets;
12 (xi) the extent to which the existing
13 regimes for generating and selling agri-
14 culture or forestry credits, as the regimes
15 exist at the end of the preceding 4-cal-
16 endar year period, and historically, and ex-
17 isting voluntary environmental credit mar-
18 kets, may be impeded or constricted, or
19 achieve greater scale and reach, if the De-
20 partment of Agriculture were involved, in-
21 cluding by considering the role of the De-
22 partment of Agriculture in reducing the
23 barriers to entry identified under clause
24 (v), including by educating stakeholders

1 about voluntary environmental credit mar-
2 kets;

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

16 (xiii) the extent to which existing pro-
17 tocols in voluntary environmental credit
18 markets consider options to ensure the
19 continued valuation, through discounting
20 or other means, of agriculture and forestry
21 credits in the case of the practices under-
22 lying those credits being disrupted due to
23 unavoidable events, including production
24 challenges and natural disasters; and

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

11 (B) publish the assessment; and

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

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

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

8 (1) the number of covered entities that—

9 (A) were registered under the Program;

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

12 (C) did not renew their registration under
13 the Program, if applicable;

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

17 (3) a review of the outcomes of the Program,
18 including—

19 (A) the ability of farmers, ranchers, and
20 private forest landowners, including small, be-
21 ginning, and socially disadvantaged farmers,
22 ranchers, and private forest landowners, to de-
23 velop agriculture or forestry credits through
24 covered entities certified under the Program;

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

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

9 (4) any recommendations for improvements to
10 the Program.

11 (j) CONFIDENTIALITY.—

12 (1) PROHIBITION.—

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

20 (B) INFORMATION.—

21 (i) IN GENERAL.—Except as provided
22 in clause (ii), the information prohibited
23 from disclosure under subparagraph (A)
24 is—

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

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

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

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

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

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

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

9 (k) FUNDING.—

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

15 (2) DIRECT FUNDING.—

16 (A) RESCISSION.—There is rescinded
17 \$4,100,000 of the unobligated balance of
18 amounts made available by section 1003 of the
19 American Rescue Plan Act of 2021 (Public Law
20 117–2).

21 (B) DIRECT FUNDING.—If sufficient unob-
22 ligated amounts made available by section 1003
23 of the American Rescue Plan Act of 2021 (Pub-
24 lic Law 117–2) are available on the date of en-
25 actment of this Act to execute the entire rescis-

1 sion described in subparagraph (A), then on the
2 day after the execution of the entire rescission,
3 there is appropriated to the Secretary, out of
4 amounts in the Treasury not otherwise appro-
5 priated, \$4,100,000 to carry out this section.