

# **Growing Climate Solutions Act of 2021 (S. 1251)**

## **Section-By-Section**

### **Section 1. Short Title.**

Provides that the short title of the bill is the “Growing Climate Solutions Act of 2021.”

### **Section 2. Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Certification Program**

Subsection (a) provides that the purposes of this section are to (1) facilitate the participation of farmers, ranchers, and private forest landowners in voluntary environmental credit markets; (2) facilitate the provision of technical assistance to farmers, ranchers, and private forest landowners in overcoming barriers to entry into voluntary environmental credit markets; (3) assist entities in certifying under the Program; and (4) establishing an advisory council.

Subsection (b) defines several terms used in the bill, including “agriculture or forestry credit”, “covered entity”, “protocol”, “technical assistance”, “socially disadvantaged group”, “socially disadvantaged farmer or rancher”, “beginning farmer or rancher”, “and “voluntary environmental credit market”.

Subsection (c) provides that, following an initial scientific study regarding the current state of voluntary environmental credit markets, and a determination by the Secretary that the new USDA program will further purposes (1) and (2) in subsection (a), 270 days after enactment of the bill, the Secretary shall establish the Greenhouse Gas Technical Assistance Provider and Third-Party Certification Program (“the Program”) to certify entities that the Secretary determines meet the requirements in subsection (d).

Subsection (d) requires that the Secretary, after providing an opportunity for notice and comment, publish a list of and documents relating to recognized protocols for voluntary environmental credit markets and a description of qualifications for entities that seek to be certified in the Program. The subsection also requires that entities certified under the Program maintain expertise in the protocols, and adhere to qualifications, and any relevant conflict of interest requirements as determined appropriate by the Secretary. In publishing the list of protocols and description of qualifications the Secretary shall ensure the requirements for covered entities include maintaining expertise in relevant information related to protocols and ensure that a covered entity is required to perform, and to demonstrate expertise, as determined by the Secretary, in accordance with best management practices for agricultural and forestry activities that reduce greenhouse gas emission or sequester carbon. Additionally, the subsection provides that the activities for which certified providers may provide technical assistance or conduct verification of

processes under the Program are current and future activities that prevent, reduce, or mitigate greenhouse gas emissions or sequester carbon. The subsection also requires the Secretary to periodically review and update the protocols and certification qualifications as appropriate.

Subsection (e) requires the Secretary to publish information regarding how entities wishing to become certified providers may self-certify as providers under the program and to provide instructions and suggestions to assist farmers, ranchers, and private forest landowners in facilitating the development of agriculture or forestry credits and accessing voluntary environmental credit markets. The subsection requires the Secretary to publish a list of entities that are certified under the program and requires that entities certified under the program maintain expertise in the protocols and adhere to the requirements. The subsection also provides for a process to audit certified providers and to revoke certifications of providers in the event of noncompliance with the Program's requirements. The subsection also provides that the Secretary, to the maximum extent practicable, shall request certified providers provide realistic estimates of costs and that technical assistance certified providers assist farmers, ranchers, and private forest landowners in receiving fair distribution of revenues from the sale of agriculture or forestry credits.

Subsection (f) provides that any person erroneously claiming to be a USDA-certified climate professional or submitting fraudulent information in self-certifying under the Program is subject to a civil penalty of up to \$1,000 per violation, and ineligibility under the program for 5 years.

Subsection (g) establishes a Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Certification Program Advisory Council to periodically review and recommend any changes to the protocols and qualifications for certified providers and advise the Secretary on other issues related to the Program. The subsection provides requirements regarding membership of the Council, which must include farmers, ranchers, and private forest landowners, government officials, members of the scientific community, nonprofit organizations, socially disadvantaged and historically underserved farmers, ranchers, and private foresters, and experts in voluntary environmental credit markets. At least 51 percent of the advisory council must be comprised of farmers, ranchers, and private forest landowners. The subsection also requires the Secretary to prevent members of the advisory council from providing advice or recommendations in matters of the Advisory Council that constitute a conflict of interest. The subsection provides that the advisory council is subject to the Federal Advisory Committee Act.

Subsection (h) requires the Secretary, not later than 240 days after enactment of this Act, to conduct an assessment regarding several aspects of voluntary environmental credit markets, to inform the establishment and administration of the program. The initial

report must be published 8 months after the date of enactment, and then every four years thereafter.

Subsection (i) requires a report assessing the Program to be completed 2 years after the establishment of the Program and every other year thereafter.

Subsection (j) provides requirements to ensure certain information obtained by the Department under the bill is prohibited from disclosure, except if released in an aggregated form that does not allow for the identification of the person who supplied or is the subject of the information, including—

1. information collected by the Secretary in carrying out the assessments and reports under subsections (h) and (i);
2. personally identifiable information of a farmer, rancher or private forest landowner, or obtained by the Department in the conduct of audits under subsection (e)(7) or the revocation of certifications under subsection (e)(8)(B)(i); and
3. confidential business information in a contract or service agreement obtained by the Department in the conduct of audits under subsection (e)(7) or the revocation of certifications under subsection (e)(8)(B)(i).

Subsection (k) authorizes the appropriation of \$1 million to carry out the bill for each of fiscal years 2022 through 2026 and provides \$4.1 million in direct funding for initial implementation costs, to be offset by rescinding funding provided under section 1003 of the American Rescue Plan Act.