

116TH CONGRESS  
2D SESSION

# H. R. 7393

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2020

Ms. SPANBERGER (for herself, Mr. BACON, Ms. PINGREE, Ms. STEFANIK, Mr. LUJÁN, Mr. FORTENBERRY, Mr. TONKO, Mr. BAIRD, Mr. HARDER of California, and Mr. KATKO) introduced the following bill; which was referred to the Committee on Agriculture

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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 private 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 2020”.

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

4 Chapter 5 of subtitle D of title XII of the Food Secu-  
5 rity Act of 1985 is amended by inserting after section  
6 1240M (16 U.S.C. 3839bb) the following:

7 **“SEC. 1240N. GREENHOUSE GAS TECHNICAL ASSISTANCE**  
8 **PROVIDER AND THIRD-PARTY VERIFIER CER-**  
9 **TIFICATION PROGRAM.**

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

11 “(1) to encourage sustainable, climate-friendly  
12 farming and forestry practices by providing to farm-  
13 ers, ranchers, and private forest landowners access  
14 to private-sector capital;

15 “(2) to facilitate the participation of farmers,  
16 ranchers, and private forest landowners in green-  
17 house gas credit markets, including through the Pro-  
18 gram;

19 “(3) to provide technical assistance to farmers,  
20 ranchers, and private forest landowners in over-  
21 coming barriers to entry into greenhouse gas credit  
22 markets;

23 “(4) to assist covered entities in registering  
24 under the Program; and

1           “(5) to establish the Advisory Council to advise  
2 the Secretary regarding the Program and other re-  
3 lated matters.

4           “(b) DEFINITIONS.—In this section:

5           “(1) ADVISORY COUNCIL.—The term ‘Advisory  
6 Council’ means the Greenhouse Gas Technical As-  
7 sistance Provider and Third-Party Verifier Certifi-  
8 cation Program Advisory Council established under  
9 subsection (g)(1).

10           “(2) COVERED ENTITY.—The term ‘covered en-  
11 tity’ means a person or State that—

12           “(A) is a provider of a technical assistance  
13 to farmers, ranchers, or private forest land-  
14 owners in carrying out sustainable land use  
15 management practices that, as compared to tra-  
16 ditional practices—

17           “(i) prevent or mitigate greenhouse  
18 gas emissions; or

19           “(ii) sequester carbon; or

20           “(B) is a third-party entity that conducts  
21 the verification of the processes described in  
22 protocols for greenhouse gas credit markets.

23           “(3) GREENHOUSE GAS.—The term ‘greenhouse  
24 gas’ means—

25           “(A) carbon dioxide;

1 “(B) methane;

2 “(C) nitrous oxide; and

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

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

11 “(5) PROTOCOL.—The term ‘protocol’ means a  
12 systematic approach that follows a science-based  
13 methodology that is conservative, transparent, and  
14 thorough to establish requirements—

15 “(A) for the development of the one or  
16 more baseline scenarios for a project to reduce  
17 greenhouse gas emissions or sequester carbon;  
18 and

19 “(B) to quantify, monitor, report, and  
20 verify emissions reductions or sequestration by  
21 a project described in subparagraph (A).

22 “(6) TECHNICAL ASSISTANCE.—The term ‘tech-  
23 nical assistance’ means technical expertise, informa-  
24 tion, and tools necessary for activities carried out  
25 under this section.

1       “(c) ESTABLISHMENT OF PROGRAM.—The Secretary  
2 shall establish a voluntary program, to be known as the  
3 ‘Greenhouse Gas Technical Assistance Provider and  
4 Third-Party Verifier Certification Program’, to certify  
5 covered entities that the Secretary determines meet the  
6 standards described in subsection (d).

7       “(d) STANDARDS.—

8               “(1) IN GENERAL.—The Secretary, in consulta-  
9 tion with the Advisory Council, shall publish a list  
10 and description of standards that accomplish the  
11 purposes described in paragraphs (1) and (2) of sub-  
12 section (a) and are taken from widely used industry  
13 protocols for greenhouse gas credit markets (includ-  
14 ing calculations, sampling methodologies, accounting  
15 principles, systems for verification, monitoring, and  
16 reporting, and methods to account for additionality,  
17 permanence, and leakage, where appropriate) that  
18 covered entities registered under the Program shall  
19 maintain expertise in and adhere to, as appropriate,  
20 for—

21               “(A) the provision of technical assistance  
22 to farmers, ranchers, and private forest land-  
23 owners for carrying out activities described in  
24 paragraph (2); and

1           “(B) the verification of the processes de-  
2           scribed in protocols for greenhouse gas credit  
3           markets that are used in carrying out activities  
4           described in paragraph (2).

5           “(2) ACTIVITIES.—The activities referred to in  
6           paragraph (1) are current and future activities that  
7           reduce greenhouse gas emissions or sequester carbon  
8           as compared to traditional practices, which may in-  
9           clude—

10                   “(A) land or soil carbon sequestration;

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

13                   “(C) livestock emissions reductions, includ-  
14           ing emissions reductions achieved through feeds  
15           and feed additives;

16                   “(D) on-farm energy generation, including  
17           fuel switching;

18                   “(E) energy feedstock production;

19                   “(F) fertilizer use emissions reductions;

20                   “(G) reforestation;

21                   “(H) forest management, including im-  
22           proving harvesting practices and thinning dis-  
23           eased trees;

24                   “(I) avoidance of the conversion of forests;

1           “(J) grassland management, including pre-  
2           scribed grazing; and

3           “(K) such other activities, or combinations  
4           of activities, that the Secretary, in consultation  
5           with the Advisory Council, determine to be ap-  
6           propriate.

7           “(3) REQUIREMENTS.—In publishing the list  
8           and description of standards under paragraph (1),  
9           the Secretary, in consultation with the Advisory  
10          Council, shall—

11           “(A) ensure that the standards include all  
12           relevant information relating to market-based  
13           protocols with regard to—

14                   “(i) quantification;

15                   “(ii) verifiability;

16                   “(iii) additionality, as compared to a  
17           historical baseline; and

18                   “(iv) permanence;

19           “(B) ensure that the standards include re-  
20           quirements for covered entities registered under  
21           the Program to demonstrate expertise in best  
22           management practices for agricultural and for-  
23           estry practices that increase carbon sequestra-  
24           tion or reduce greenhouse gas emissions; and

1           “(C) periodically review and revise the list  
2           and description, as appropriate, to include any  
3           additional standards that meet the require-  
4           ments described in subparagraphs (A) and (B).

5           “(e) REGISTRATION AND PUBLICATION OF LISTS.—

6           “(1) REGISTRATION.—A covered entity may  
7           self-register under the Program by submitting to the  
8           Secretary, through a website maintained by the Sec-  
9           retary, a notification that the covered entity will  
10          maintain expertise in and adhere to the standards  
11          published by the Secretary under subsection (d)(1).

12          “(2) SOLICITATION.—Not later than 180 days  
13          after the date on which the Secretary establishes the  
14          Program, the Secretary shall publish—

15                 “(A) information describing how covered  
16                 entities may self-register under the Program in  
17                 accordance with paragraph (1);

18                 “(B) the standards published by the Sec-  
19                 retary under subsection (d)(1); and

20                 “(C) instructions and suggestions to assist  
21                 farmers, ranchers, and private forest land-  
22                 owners in accessing greenhouse gas credit mar-  
23                 kets, including—

24                         “(i) through the Program; and



1           “(ii) by providing information relating  
2           to programs, registries, and protocols of  
3           programs and registries that provide mar-  
4           ket-based participation opportunities for  
5           working and conservation agricultural and  
6           forestry lands.

7           “(3) PUBLICATION.—Not later than 1 year  
8           after the date on which the Secretary establishes the  
9           Program, the Secretary, in consultation with the Ad-  
10          visory Council, shall use an existing website main-  
11          tained by the Secretary to publish—

12           “(A) a list of covered entities that are reg-  
13          istered under paragraph (1) as verifiers of the  
14          processes described in protocols for greenhouse  
15          gas credit markets; and

16           “(B) a list of covered entities that are reg-  
17          istered under paragraph (1) as technical assist-  
18          ance providers.

19           “(4) UPDATES.—Not less frequently than annu-  
20          ally, the Secretary, in consultation with the Advisory  
21          Council, shall update the lists published under para-  
22          graph (3).

23           “(5) SUBMISSION.—The Secretary shall submit  
24          the list under paragraph (3), including each update  
25          under paragraph (4), to Congress.

1           “(6) REQUIREMENT.—To remain registered  
2 under the Program, a covered entity shall continue  
3 to maintain expertise in and adhere to the standards  
4 published by the Secretary under subsection (d)(1).

5           “(7) AUDITING.—The Secretary shall periodically  
6 conduct audits of covered entities that are registered  
7 under the Program to ensure compliance  
8 with the standards published by the Secretary under  
9 subsection (d)(1).

10           “(8) NOTIFICATION.—If the Secretary revokes  
11 the registration of a covered entity under the Program  
12 for noncompliance with the standards published  
13 by the Secretary under subsection (d)(1), to the extent  
14 practicable, the Secretary shall notify farmers, ranchers,  
15 and private forest landowners to which the covered entity  
16 provided technical assistance or the verification of the  
17 processes described in protocols for greenhouse gas credit  
18 markets of the revocation.

19           “(f) ENFORCEMENT.—

20           “(1) PROHIBITION ON CLAIMS.—

21           “(A) IN GENERAL.—A person that is not  
22 registered under the Program shall not knowingly  
23 make a claim that the person is a ‘USDA-certified  
24 technical assistance provider or third-  
25

1 party verifier for greenhouse gas credit mar-  
2 kets' or any substantially similar claim.

3 “(B) PENALTY.—Any person that violates  
4 subparagraph (A) shall be subject to a civil  
5 penalty equal to such amount as the Secretary  
6 determines to be appropriate.

7 “(2) PROHIBITION ON SUBMISSION OF FRAUDU-  
8 LENT INFORMATION.—

9 “(A) IN GENERAL.—A person, regardless  
10 of whether the person is registered under the  
11 program, shall not submit fraudulent informa-  
12 tion as part of a notification under subsection  
13 (e)(1).

14 “(B) PENALTY.—Any person that violates  
15 subparagraph (A) shall be subject to a civil  
16 penalty equal to such amount as the Secretary  
17 determines to be appropriate.

18 “(g) GREENHOUSE GAS TECHNICAL ASSISTANCE  
19 PROVIDER AND THIRD-PARTY VERIFIER CERTIFICATION  
20 PROGRAM ADVISORY COUNCIL.—

21 “(1) IN GENERAL.—Not later than 90 days  
22 after the date on which the Secretary establishes the  
23 Program, the Secretary shall establish an advisory  
24 council, to be known as the ‘Greenhouse Gas Tech-

1 nical Service Assistance and Third-Party Verifier  
2 Certification Program Advisory Council’.

3 “(2) MEMBERSHIP.—

4 “(A) IN GENERAL.—The Advisory Council  
5 shall be composed of not fewer than 24 mem-  
6 bers, who shall be appointed by the Secretary.

7 “(B) REPRESENTATION.—Members ap-  
8 pointed under subparagraph (A) shall include—

9 “(i) not fewer than 1 representative of  
10 the Environmental Protection Agency, as  
11 determined by the Administrator of the  
12 Environmental Protection Agency;

13 “(ii) not fewer than 10 representatives  
14 of the agriculture industry appointed in a  
15 manner that is broadly representative of  
16 the agriculture sector;

17 “(iii) not fewer than 3 representatives  
18 from the forestry and forest products in-  
19 dustry appointed in a manner that is  
20 broadly representative of the forestry sec-  
21 tor;

22 “(iv) not fewer than 4 representatives  
23 of the relevant scientific research commu-  
24 nity, including not fewer than 1 represent-  
25 ative from land-grant colleges and univer-

1           sities (as defined in section 1404 of the  
2           National Agricultural Research, Extension,  
3           and Teaching Policy Act of 1977 (7 U.S.C.  
4           3103));

5           “(v) not fewer than two, and not more  
6           than three, experts or professionals famil-  
7           iar with private greenhouse gas credit mar-  
8           kets and the verification requirements in  
9           those markets;

10          “(vi) not fewer than two, and not  
11          more than three, members of nongovern-  
12          mental or civil society organizations with  
13          relevant expertise;

14          “(vii) not fewer than two, and not  
15          more than three, members of private sector  
16          companies or impact investors who are cur-  
17          rent and likely future purchasers of or in-  
18          vestors in domestic greenhouse gas credits  
19          in voluntary markets and compliance mar-  
20          kets that are derived from projects that  
21          achieve greenhouse gas mitigation or car-  
22          bon sequestration through practices on ag-  
23          ricultural land or private forest land; and

24          “(viii) any other individual whom the  
25          Secretary determines to be necessary to

1 ensure that the Advisory Council is com-  
2 posed of a diverse group of representatives  
3 of industry, academia, independent re-  
4 searchers, and public and private entities.

5 “(C) CHAIR.—The Secretary shall des-  
6 ignate a member of the Advisory Council to  
7 serve as the Chair.

8 “(D) TERMS.—The term of a member of  
9 the Advisory Council shall be 5 years, which  
10 may be renewed for one additional 5-year term.

11 “(3) MEETINGS.—

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

15 “(B) INITIAL MEETING.—Not later than  
16 30 days after the date on which the members  
17 are appointed under paragraph (2)(A), the Ad-  
18 visory Council shall hold an initial meeting.

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

20 “(A) review the list of standards published  
21 by the Secretary under subsection (d)(1);

22 “(B) make recommendations to the Sec-  
23 retary regarding the best practices that should  
24 be included in the standards under subsection  
25 (d)(1); and

1 “(C) advise the Secretary regarding—

2 “(i) the current methods used by pri-  
3 vate markets to quantify and verify green-  
4 house gas emissions reduced or carbon se-  
5 questered;

6 “(ii) additional considerations for reg-  
7 istering covered entities under the Pro-  
8 gram;

9 “(iii) means to reduce barriers to  
10 entry in the business of providing technical  
11 assistance or the verification of the proc-  
12 esses described in protocols for greenhouse  
13 gas markets for covered entities, including  
14 by improving technical assistance provided  
15 by the Secretary;

16 “(iv) means to reduce compliance and  
17 verification costs for farmers, ranchers,  
18 and private forest landowners in entering  
19 private greenhouse gas credit markets, in-  
20 cluding through mechanisms and processes  
21 to aggregate the value of activities across  
22 land ownership; and

23 “(v) means for farmers, ranchers, and  
24 private forest landowners to advertise  
25 products derived from practices that re-

1                   duce greenhouse gas emissions or sequester  
2                   carbon.

3                   “(5) COMPENSATION.—

4                   “(A) IN GENERAL.—The members of the  
5                   Advisory Council shall serve without compensa-  
6                   tion.

7                   “(B) TREATMENT.—Except in the case of  
8                   a member described in paragraph (2)(B)(i), the  
9                   members of the Advisory Council shall not be  
10                  considered to be Federal employees.

11               “(h) ASSESSMENT OF GREENHOUSE GAS CREDIT  
12               MARKETPLACES AND VERIFICATION REGIMES.—Not later  
13               than October 1, 2022, and every 4 years thereafter, the  
14               Secretary, in consultation with the Administrator of the  
15               Environmental Protection Agency and the Advisory Coun-  
16               cil, shall—

17               “(1) conduct an assessment, including by incor-  
18               porating information from existing publications of  
19               nongovernmental organizations with relevant exper-  
20               tise, regarding—

21               “(A) the number and categories of non-  
22               Federal actors in the nonprofit and for-profit  
23               sectors involved in buying, selling, and trading  
24               domestic greenhouse gas credits in voluntary  
25               markets and compliance markets that are de-



1 rived from projects that achieve greenhouse gas  
2 mitigation or carbon sequestration through  
3 practices on agricultural land or private forest  
4 land;

5 “(B) the estimated overall domestic market  
6 demand for greenhouse gas credits (measured  
7 in metric tons of carbon dioxide equivalent) at  
8 the end of the preceding 4-calendar year period,  
9 and historically, in voluntary markets and com-  
10 pliance markets through projects that achieve  
11 greenhouse gas mitigation or carbon sequestra-  
12 tion through practices on agricultural land or  
13 private forest land;

14 “(C) the total number of greenhouse gas  
15 credits (measured in metric tons of carbon diox-  
16 ide equivalent) that were in development, gen-  
17 erated, or sold in market transactions during  
18 the preceding 4-calendar year period, and his-  
19 torically, in voluntary markets and compliance  
20 markets through projects that achieve green-  
21 house gas mitigation or carbon sequestration  
22 through practices on agricultural land or pri-  
23 vate forest land;

24 “(D) the estimated supply and demand of  
25 metric tons of carbon dioxide equivalent of off-

1 sets in the global marketplace for the next 4  
2 years;

3 “(E) the barriers to entry due to compli-  
4 ance and verification costs described in sub-  
5 section (g)(4)(C)(iv);

6 “(F) the state of monitoring technologies  
7 needed to quantify long-term carbon sequestra-  
8 tion in soils and from other emission reduction  
9 activities in the agriculture and forestry sectors;

10 “(G) means for farmers, ranchers, and pri-  
11 vate forest landowners to advertise products de-  
12 rived from practices that reduce greenhouse gas  
13 emissions or sequester carbon;

14 “(H) means to leverage existing Depart-  
15 ment of Agriculture programs and other Fed-  
16 eral programs that could improve, lower the  
17 costs of, and enhance the deployment of moni-  
18 toring technologies described in subparagraph  
19 (F);

20 “(I) the potential impact of Department of  
21 Agriculture activities on supply and demand of  
22 greenhouse gas credits;

23 “(J) the potential role of the Department  
24 of Agriculture in increasing innovation in green-  
25 house gas credit markets;

1           “(K) the extent to which the existing re-  
2 regimes for generating and selling greenhouse gas  
3 credits derived from agricultural land or private  
4 forest land, as the regimes exist at the end of  
5 the preceding 4-calendar year period, and his-  
6 torically, would achieve greater scale and reach  
7 if the Department of Agriculture were involved,  
8 including by considering the role of the Depart-  
9 ment of Agriculture in reducing the barriers to  
10 entry identified under subparagraph (E), in-  
11 cluding by educating stakeholders about green-  
12 house gas credit markets and means by which  
13 to reduce the compliance and verification costs  
14 described in subsection (g)(4)(C)(iv); and

15           “(2) submit to the Committee on Agriculture of  
16 the House of Representatives and the Committee on  
17 Agriculture, Nutrition, and Forestry of the Senate a  
18 report describing the findings of the assessment  
19 under paragraph (1), including recommendations re-  
20 garding potential new authorities that would facili-  
21 tate a more robust role for the Department of Agri-  
22 culture in the domestic market for greenhouse gas  
23 emissions credits derived from practices on agricul-  
24 tural land or private forest land, including—

1           “(A) whether the Department of Agri-  
2 culture should play a larger role in devel-  
3 oping—

4           “(i) greenhouse gas credit protocols,  
5 including new protocols for activities within  
6 the agriculture and forestry sectors that do  
7 not currently exist in the private market-  
8 place; and

9           “(ii) verification methodologies to  
10 quantify greenhouse gas emissions reduc-  
11 tion across activities that reduce green-  
12 house gas emissions or sequester carbon as  
13 compared to traditional practices; and

14           “(B) whether the Department of Agri-  
15 culture—

16           “(i) should play a larger role in reduc-  
17 ing compliance and verification costs for  
18 farmers, ranchers, and private forest land-  
19 owners, including by certifying greenhouse  
20 gas credits; and

21           “(ii) needs additional authority to  
22 carry out the activities described in clause  
23 (i).”.

○