

Presidency in over 50 years, including the first 6 months of Donald Trump's Presidency. So we are making good, good progress, and we have done it with judges who break the Federal mold—Federal defenders, civil rights lawyers, voting rights lawyers, the first Native American judge, the first Muslim American judge. Those make me proud that we are constantly expanding who in America can get to the bench. All of these folks have one thing in common: They are individuals of impeccable character and impressive credentials.

The Democratic Senate is restoring balance to the judiciary with highly qualified, mainstream jurists who reflect the diversity of this country, and we are going to keep at it when we come back in July and beyond.

### INFRASTRUCTURE

Mr. SCHUMER. Madam President, on another matter, infrastructure, our Nation's economic potential depends on the quality of its infrastructure. Our businesses, workers, farmers, manufacturers—you name it—they all depend on the infrastructure networks that connect our country. And here in the 21st century, electrical grids and broadband internet access are just as important as roads, bridges, and highways.

But it has been decades—decades—since Congress passed a significant, stand-alone bill to increase Federal investment in infrastructure. Our roads and bridges are crumbling. Children learn in dilapidated schools. Large swaths of rural America lack access to broadband internet.

We need to refashion much of our infrastructure to address the existential threat of climate change. That is so important and essential to the overwhelming majority of my caucus. So the Senate, this summer, is going to move forward on multiple legislative proposals to make historic investments in our Nation's infrastructure. And when we say that, we mean both types of infrastructure: the concrete and steel and that kind of infrastructure—the physical infrastructure—but also the human infrastructure, so that we can maximize the potential of our people which, after all, is our greatest resource—our greatest resource.

So we are pursuing on multiple—we are making two tracks. The first legislative track is bipartisan. The second track will incorporate elements of the American jobs and families plan and will be done through the budget process, which must pass even if it is not bipartisan.

There has been significant progress this week on both tracks.

Yesterday, a bipartisan group of Senators announced that they had reached an agreement in concept for a bipartisan infrastructure proposal, and I have encouraged them to move forward. But I made it explicit to every one of them, together and separately,

that we have to pass both tracks together.

Speaker PELOSI and I were made aware of the concepts of the agreement—the bipartisan agreement—last night. And while we have yet to see the details, I am encouraged by the progress the bipartisan group of Senators has made. I have supported these bipartisan discussions from the beginning, and I want to thank my colleagues for their hard work.

Senate Democrats have also made significant progress on preparing a budget resolution.

These two efforts are tied together. Let me make that clear. The bipartisan infrastructure bill and the budget resolution are tied together. If the Senate is going to move forward with a bipartisan infrastructure bill, we must also move forward on a budget resolution, as well. I have discussed this with President Biden directly on several occasions, and he agrees that we cannot do one without the other, and he has let the participants know that. Speaker PELOSI agrees that we cannot do one without the other. All parties understand that we won't get enough votes to pass either unless we have enough votes to pass both.

When the Senate returns in July, it will be time to take the next step and hold the first votes on the bipartisan infrastructure bill on the floor of the Senate. Senators should also be prepared to consider a budget resolution that will clear the way for the budget reconciliation bill as soon as possible.

The bottom line is, both tracks need to make progress concurrently.

This is about building a foundation for the United States to remain the world economic leader in the 21st century. We are the largest economy in the world, but our infrastructure ranks 13th, behind South Korea, Germany, Japan, and even the United Arab Emirates.

There isn't a community in this country without some glaring infrastructure challenge—certainly, in my home State of New York. If America is going to prosper in the 21st century, we can't have infrastructure that is stuck in the last century.

We need to pass major investment in infrastructure, both physical and human, this year, and I look forward to holding the first votes when we return for the July work period.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### LEGISLATIVE SESSION

#### GROWING CLIMATE SOLUTIONS ACT OF 2021

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 1251, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (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.

AMENDMENT NO. 2119

(Purpose: In the nature of a substitute.)

Mr. LEE. Madam President, I call up my amendment No. 2119 and ask that it be reported by number.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 2119.

(The amendment is printed in the RECORD of June 22, 2021, under "Text of Amendments.")

Mr. LEE. Madam President, as Americans want to buy more clean and green products, the market has been finding solutions to provide those products.

The Growing Climate Solutions Act before us, however, will not. Though it seeks to aid the carbon credit market, it could ultimately serve only to quell it. Let's just take a look at how the carbon credit market currently works.

Farmers, ranchers, and private foresters develop these credits to sell by taking actions to either limit their greenhouse gas emissions or to capture greenhouse gas emissions from the atmosphere. They work with technical assistance providers to know how to do so and then with third-party verifiers who make sure that the proper standards are met. Companies can then purchase the credits to offset their carbon emissions, and they can also sell unused credits to other companies wanting to offset their carbon emissions. It is a voluntary exchange and an example of the market working as it ought to work.

As the demand for these credits grows, more farmers, ranchers, and foresters would explore this revenue-generating market, more technical assistance providers and third-party verifiers would emerge, and potentially innovation would occur with new types of entities emerging to create and sell carbon credits beyond these initial three.

So what would the bill do? It would establish a USDA certification program for the technical assistance providers and third-party verifiers involved in creating carbon credits on grounds that it would help small farmers better understand the carbon credit market and know with whom they may work.

In other words, it would create a massive accreditation program that would potentially hamper, not foster, innovation. It would insert the Federal Government into a market that is blossoming on its own, imposing burdensome regulation and picking winners and losers in the carbon credit marketplace.

To make matters worse, it would corrupt the financial incentives of the market by allowing the USDA to cap revenues and generally regulate the sale of these credits.

Though it aims to help small farmers to participate in this market, it could easily be manipulated to demand the USDA set unusually high protocols and qualifications and then drive carbon credit purchasers solely to credit sellers working with those who fit and comply with the edicts of the Federal Government.

This will ultimately only impose obstacles for farmers, ranchers, and foresters, impede potential new participants, and, in the end, hurt the environment. That is why I am offering an alternative.

My amendment would transform this program into a transparent, informational resource for farmers, ranchers, and private foresters as they look for technical assistance providers and third-party verifiers. It would include common qualifications and common practices of these entities and a list of providers and verifiers that they could reach out to for assistance.

The Federal Government ought to get out of the way for the carbon credit market to continue innovating and thriving, not squash it. The American Energy Alliance agrees and has issued a favorable vote recommendation.

For all of these reasons, I urge my colleagues to support this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. BOOZMAN. Madam President, our farmers, ranchers, and foresters are the greatest stewards of the land, and many have been working for a long time to preserve natural resources and protect the environment through on-farm practices. And now, more than ever, farmers, ranchers, and private forest landowners are looking to explore opportunities to benefit financially through emerging voluntary environmental credit markets.

New opportunities to generate benefits through environmental practices hold a great deal of promise. However, producers and landowners must navigate a complex and costly landscape in order to access these markets.

The Growing Climate Solutions Act provides a framework for producers to access technical assistance, guidance, and resources in these emerging markets as they investigate whether to pursue this new opportunity.

USDA certification of entities who will assist farmers in how best to navigate these markets will improve market integrity and provide farmers and ranchers more confidence as they take

the first steps. The information gathered by USDA through the certification process will serve as a reliable resource to producers seeking to learn about both the entities involved and the practices being implemented to generate credits that are transacted in voluntary environmental credit markets.

These markets and the key players are evolving very quickly, and this bill directs USDA to first assess the current state of voluntary environmental credit markets because it is important that we all have an understanding of the landscape first.

Further, this bill is farmer-friendly. It acknowledges that for farmers and ranchers to be successful, there cannot be a one-size-fits-all approach. A corn farmer in Indiana, a cherry farmer in Michigan, and a rice farmer in Arkansas have different soil types and varying potential for carbon sequestration. So this bill recognizes the diversity of agriculture and the practices that may be employed by farmers. It provides educational resources for producers who decide this new market opportunity works for their unique business model.

The bill ensures farmers comprise a majority on the USDA advisory committee and protects the information farmers and ranchers share as part of the program.

For these market to work, they must work for our farmers, foresters, ranchers, and landowners. In order to do that, they must be at the table. This bill provides our stakeholders that voice.

Finally, this bill epitomizes a great deal of bipartisan work, while addressing the pressing needs of farmers, ranchers, and foresters. I thank Senators BRAUN and STABENOW for helping us to make this the best bill possible.

Many farmers and stakeholders are excited about this legislation, as are many Members who cosponsored the bill and voted to report it out of committee.

The bipartisan nature of the work of the committee was exciting to see. We came together and accomplished something significant. I hope this spirit of cooperation continues as Congress considers new policies on climate change.

We need to ensure that any policies are farmer-friendly and farmer-focused, remain voluntarily, and avoid a one-size-fits-all approach.

Again, thank you to Chairwoman STABENOW and Senator BRAUN for their efforts. I look forward to the debate and very much support the bill through final passage.

With that, I yield to Senator BRAUN.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. BRAUN. Madam President, in the Senate here, prior to getting here, I have been a tree farmer since the late eighties and have been involved in the agricultural part of farming, other than driving the tractor, for a long time. And farming has got to be one of

the most difficult things God ever created in terms of a complicated business that involves risk for a return that, in many cases, just isn't there. Thank goodness, currently, the markets are rewarding that effort and that great risk.

Environmental credits present an incredible opportunity for American farmers because that bottom line is so meager to begin with. And when you have got voluntarily markets out there that are wanting to reward good stewardship, it should be easy. But significant barriers still remain.

In today's market, if you are a small farmer, you are not able to connect with these markets. Only the large farmers, both tree and egg, can do it. This simplifies it; it democratizes it; and it does something, finally, that that small guy, the landowner, the American family farmer, can get some benefit for his or her good stewardship.

The Growing Climate Solutions Act creates a USDA certification program for third-party technical providers and verifiers. It allows the USDA to provide legitimacy to the trustworthy actors in the marketplace. And what is really unusual, in the short time I have been here in the U.S. Senate—it was a surprise yesterday, when I told some folks we are actually voting on something on the floor, and it has 55 cosponsors, almost evenly split between Democrats and Republicans.

More than 100 outside organizations back the bill. Farm bureaus, which are generally very conservative about doing anything where they are going to endorse, stick their neck out, across the board like it. I won't mention all the others. It also does it without adding a dime to our deficit. So it is doing something that has got bipartisan support, tapping voluntary markets, and just providing that portal that all farmers are familiar with to use as the way they take advantage of it.

We are demonstrating the right solution. We are making a statement that we need to be involved in addressing climate, and we are doing it in a place where, thank goodness, agriculture in this country is only 10 percent of the CO<sub>2</sub> emissions. The rest is spread among electric generation, transportation, industrial emitters.

What that says, when it is 25 percent emissions across the world due to agriculture, there is a lot to be learned from this as well.

A quick comment on the amendment that we are going to vote on. The key point is, under both the underlying bill and the Lee amendment, the USDA will publish a list of entities on a USDA website for farmers to use.

The Senate Ag Committee worked closely with the Agency, both Under Secretaries Perdue and Vilsack, to ensure the bill provided the necessary quality checks so that the folks certified under the program know what they are doing.

The Lee amendment keeps the website but strikes these requirements.

This is why groups like the American Farm Bureau write that Senator LEE's amendment would dilute farmers' influence in the composition of the bill's advisory panel and also removes critical protections in the base bill.

I urge my colleagues to oppose the Lee amendment and to support the underlying bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN FARM BUREAU FEDERATION,  
Washington, DC, June 23, 2021.

MEMBERS OF THE U.S. SENATE,  
Washington, DC.

DEAR SENATOR, The American Farm Bureau Federation supports S. 1251, the bipartisan Growing Climate Solutions Act of 2021, and urges its adoption by the Senate.

The Growing Climate Solutions Act would create a certification program at USDA to help solve technical entry barriers for farmers, ranchers and forest landowners who wish to participate in voluntary carbon credit markets. Lack of access to reliable information about markets, qualified technical assistance providers, and credit protocol verifiers has limited both landowner participation and the adoption of practices.

S. 1251 seeks to provide more clarity and guidance for farmers, ranchers and forest landowners who want to provide the ecosystem services that many consumers and businesses are desiring. This builds upon American agriculture's strong foundation of environmental stewardship.

Farm Bureau opposes the Lee amendment and any other amendments that would undermine the bill. The Lee amendment would replace the balanced, and widely supported, program outlined in the current bill with a haphazard alternative program that would undermine confidence in the private marketplace. Sen. Lee's amendment goes on to dilute farmer influence in the composition of the bill's advisory panel, and also removes critical protections in the base bill to ensure farmers and ranchers receive their fair share of proceeds under voluntary environmental credit markets.

The Growing Climate Solutions Act of 2021 is a carefully crafted bipartisan bill with over half the Senate supporting as cosponsors. Your vote in opposition to the Lee amendment and in support of final passage of the overall bill is key to Farm Bureau.

Sincerely,

ZIPPY DUVALL,  
President.

JUNE 15, 2021.

Re Support Final Passage of S. 1251.

MEMBERS OF THE U.S. SENATE,  
Washington, DC.

DEAR MEMBERS OF THE U.S. SENATE, We write to lend our support for the Growing Climate Solutions Act without changes or amendments that would weaken the bill. Our organizations recognize that there is immense potential for agricultural and forestry-based natural climate solutions to meaningfully contribute to the fight against climate change. Farmers, ranchers, and foresters are on the front lines of severe weather events that are exacerbated by the changing climate. The Growing Climate Solutions Act will help producers remain resilient in the face of these threats and accelerate their contribution to a solution.

The Growing Climate Solutions Act is a thoughtful and nuanced piece of legislation that ensures that farmers are at the forefront in tapping into the potential benefits of a market-based revenue system that re-

wards climate-smart agricultural practices. The bill is also drafted to ensure that benefits and revenues realized under voluntary market regimes are designed to be equitably distributed among all farmers, including small and beginning farmers, historically underserved farmers, and socially disadvantaged farmers. The bill makes tangible progress in highlighting these important stakeholders throughout.

Thank you again for your leadership on this important legislation. We are proud to lend our support to the Growing Climate Solutions Act and encourage the Senate to the pass without changes or amendments that would weaken the bill and at the earliest possible date.

Sincerely,

CITIZENS CLIMATE LOBBY,  
ENVIRONMENTAL DEFENSE  
FUND,  
THE EVANGELICAL  
ENVIRONMENTAL  
NETWORK,  
NATIONAL AUDUBON  
SOCIETY,  
NATIONAL WILDLIFE  
FEDERATION,  
THE NATURE CONSERVANCY.

CORN REFINERS ASSOCIATION,  
Washington, DC.

The Corn Refiners Association (CRA) strongly supports final passage of S. 1251, the Growing Climate Solutions Act of 2021. This bipartisan legislation reduces technical entry barriers for producers and forest owners interested in participating in voluntary carbon markets and supports our sector's role in delivering innovative climate solutions.

The Growing Climate Solutions Act reflects CRA's climate change principles, which guide our industry's advocacy to ensure a more sustainable future for corn refining, agriculture, and consumers. By lowering this barrier to entry, S. 1251 creates an easier way for landowners to be financially rewarded for the voluntary, sustainable steps they are taking through selling carbon credits.

Unfortunately, the amendment proposed by Senator Mike Lee (R-UT) would undercut the central function of this bill by removing most of the scientific and good governance requirements to become certified under the bill's central program by the U.S. Department of Agriculture. Without these critical protections, many farmers and producers will not have access to reliable information, resulting in unrealistic cost estimates and loss of trust in the carbon markets. Lee's amendment would also remove protections for farmers already certified under the program and would remove the legislation's focus on equity that is intended to ensure farmers of color would benefit from the program and inform its creation.

For these reasons, we strongly urge you to vote No on the Lee amendment and Yes on final passage of S. 1251, the Growing Climate Solutions Act. If there are any questions about our position, or interest in holding a brief discussion on the legislation or Lee's amendment, please contact me. Thank you for your consideration.

Sincerely,

ROBIN J. BOWEN,  
Senior Vice President, External Affairs.

CITIZENS FOR RESPONSIBLE  
ENERGY SOLUTIONS,  
Washington, DC, June 23, 2021.

Hon. MIKE BRAUN,  
Washington, DC.

DEAR SENATOR BRAUN, On behalf of Citizens for Responsible Energy Solutions

(CRES), I am writing to offer CRES' strong support for S. 1251, the Growing Climate Solutions Act (GCSA). This bill was reported by the Senate Agriculture Committee on a unanimous vote and has been cosponsored by 24 Republican Senators. CRES urges the Senate to pass this bipartisan legislation in its current form.

GCSA will break down barriers for farmers, ranchers, and landowners to participate in voluntary carbon credit markets. The bill directs the U.S. Department of Agriculture (USDA) to establish a program to certify third-party verifiers and technical assistance providers. This program will connect producers to the experts that will help them earn an additional stream of revenue by monetizing conservation practices, which already produce many soil, water, and air benefits.

This bill establishes a council comprised primarily of experienced farmers and ranchers to advise USDA on program implementation and standards, which will ensure that producers come first in this limited-government approach. GCSA also contains provisions guaranteeing that the program will remain voluntary, that third parties will provide accurate estimates of costs and revenues, and that revenues will be distributed fairly to farms of all types and sizes. These provisions are among the reasons the GCSA has the overwhelming support of agricultural leaders, including endorsements from the American Farm Bureau, National Corn Growers Association, and American Soybean Association.

Addressing climate change while strengthening our international competitiveness will require innovation across all sectors of our economy—including agriculture. CRES thanks you and Chairwoman Stabenow and Ranking Member Boozman, for your judicious, bipartisan work on this commonsense legislation that puts agriculture first while providing a real path for decreased carbon emissions. S. 1251, in its current form, should be expeditiously passed by the U.S. Senate.

Thank you for your leadership on this critical issue.

Sincerely,

HEATHER REAMS,  
Executive Director.

FOOD AND AGRICULTURE  
CLIMATE ALLIANCE,  
June 23, 2021.

Re Support Final Passage of S. 1251 and Oppose Lee Amendment.

TO THE MEMBERS OF THE U.S. SENATE: The Food and Agriculture Climate Alliance (FACA) strongly supports final passage of S. 1251, the Growing Climate Solutions Act of 2021. This bipartisan legislation reduces technical entry barriers for producers and forest owners interested in participating in voluntary carbon markets. FACA consists of nearly 80 organizations representing farmers, ranchers, forest owners, agribusinesses, manufacturers, the food and innovation sector, state governments, sportsmen and environmental advocates. We commend Senate Agriculture Committee Chairwoman Debbie Stabenow (D-Mich.), Ranking Member John Boozman (R-Ark.) and Senator Mike Braun (R-Ind.) for crafting overwhelmingly bipartisan legislation that supports our sectors' role in delivering innovative climate solutions.

One of FACA's guiding principles states that federal climate policy must be built upon voluntary, incentive-based programs and market-driven opportunities. By fostering the growth of voluntary markets, S. 1251 does just that.

Unfortunately, the amendment proposed by Senator Mike Lee (R-Utah) undercuts the

central function of this bill by eliminating the scientific and good governance requirements that technical assistance providers and third-party verifiers would need to meet to become certified by the U.S. Department of Agriculture. The certification program is critical to ensure that farmers are protected in the emerging marketplace and have access to reliable information.

For these reasons, we strongly urge you to vote No on the Lee amendment and Yes on final passage of S. 1251, the Growing Climate Solutions Act.

Sincerely,

Agriculture & Applied Economics Association, Agriculture Retailers Association, Alabama Farmers Federation, American Association of Veterinary Medical Colleges, American Biogas Council, American Farm Bureau Federation, American Feed Industry Association, American Mushroom Institute, American Seed Trade Association, American Society of Animal Science, American Soybean Association, American Sugar Alliance, Arizona Farm Bureau Federation, Association of Equipment Manufacturers, Association of Public & Land Grant Universities.

Biological Products Industry Alliance, Biotechnology Innovation Organization, California Farm Bureau Federation, Center for Rural Affairs, Colorado Farm Bureau, Composite Panel Association, Corn Refiners Association, Crop Insurance and Reinsurance Bureau, Croplife America, Ducks Unlimited, Environmental Defense Fund, Evangelical Environmental Network, Farm Credit Council, Farm Journal Foundation, Florida Farm Bureau Federation.

FMI—The Food Industry Association, Global Cold Chain Alliance, Growth Energy, Illinois Farm Bureau, Indiana Agriculture Coalition for Renewable Energy, Indiana Farm Bureau, Iowa Farm Bureau, Kentucky Farm Bureau, Land Trust Alliance, Louisiana Farm Bureau Federation, Michigan Farm Bureau, Minnesota Farm Bureau, National Alliance of Forest Owners, National Association for the Advancement of Animal Science, National Association of State Departments of Agriculture.

National Association of University Forest Resource Programs, National Cattlemen's Beef Association, National Corn Growers Association, National Cotton Council, National Council of Farmer Cooperatives, National Farmers Union, National Grange, National Milk Producers Federation, National Pork Producers Council, National Potato Council, New Mexico Farm and Livestock Bureau, New York Farm Bureau, North American Meat Institute, North American Millers' Association, North Carolina Farm Bureau Federation.

North Dakota Grain Growers Association, Ohio Farm Bureau Federation, Oklahoma Farm Bureau, Pennsylvania Farm Bureau, Pheasants Forever & Quail Forever, Produce Marketing Association, Shellfish Growers Climate Coalition, Society of American Foresters, Supporters of Agricultural Research (SoAR) Foundation, The Federation of Southern Cooperatives, The Fertilizer Institute, The National Institute for Animal Agriculture, The Nature Conservancy, Theodore Roosevelt Conservation Partnership, Trout Unlimited, U.S. Durum Growers Association, USA Rice, Vermont Farm Bureau.

Mr. BRAUN. I yield the floor.

Ms. STABENOW. Madam President.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Madam President, I rise today in support of S. 1251, the Growing Climate Solutions Act. I first want to thank my partner in this landmark legislation, Senator BRAUN, and

my partner and ranking member on the committee, Senator BOOZMAN, for his leadership and helping us improve this bill and getting it to where we are right now.

Our farmers and ranchers are battling the consequences of carbon pollution and other greenhouse gases every day. They are on the frontlines every day. Producers are having to deal with higher highs and lower lows more so than ever before.

Even as we speak, the Southeast is recovering from catastrophic flooding as a result of Hurricane Claudette, and the West is facing record heat that threatens the health of farmers and farmworkers in an unprecedented wildfire season. Nearly half of the country is in drought, including 90 percent of my home State of Michigan—90 percent. It could not be clearer that climate is in crisis.

The good news is that farmers and foresters are already leading the way on the climate crisis, as my colleagues have said, through their many conservation efforts. They work to reduce their impact every day through conservation practices that cut down on emissions and store carbon in their soil and trees.

According to the National Academies, scaling up these climate-smart agriculture and forestry practices in the United States could offset the annual emissions of nearly 110 million cars. And I am from the car State, Madam President. I still want you to buy an automobile. But this is very significant.

The Growing Climate Solutions Act is a key piece of the enormous potential that land-based solutions have to help solve this crisis. This bill gives producers even more effective tools to lead and new opportunities for economic successes as well.

The bill equips producers to succeed by doing three things. First, it sets up a network of trusted outside experts and third-party verifiers, certified by the USDA, to provide technical assistance and help producers generate and sell their voluntary carbon credits, which, by the way, Senator LEE's amendment would gut, which is why I do not support that amendment.

Then it creates a comprehensive online resource, a one-stop shop, to help our farmers get the information they need and create income by providing sustainable practices through voluntary carbon markets and traditional USDA conservation programs.

Finally, it sets up a very important advisory council made up of a majority of farmers and foresters with tremendous diversity, as well as representatives from the research community and the private industry, to help guide the USDA as they put this together.

The bottom line: It gives them the opportunity to work with the U.S. Department of Agriculture to design a carbon market that works for them, not Wall Street. In other words this, bill puts farmers and foresters first.

More than 175 advocates, organizations, and companies support this bill. They see it as a win-win for agriculture and the environment. That coalition is mirrored in the broad support we have here in the U.S. Senate, with now upwards of 55 cosponsors who have joined in this bill. Given today's politics, that says a lot about what this bill represents.

Solving the climate crisis is a critical challenge for all of us, and today we are taking landmark steps toward supporting agriculture and forestry leadership in addressing this.

I encourage all of my colleagues to vote yes on the Growing Climate Solutions Act, to vote no on the Lee amendment, which would essentially gut the bill, and allow us, in this tremendous bipartisan effort, to move forward on something very important.

I yield the floor.

VOTE ON AMENDMENT NO. 2119

Madam President, I would ask unanimous consent that the scheduled vote occur immediately.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to amendment No. 2119.

Mr. LEE. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

The result was announced—yeas 11, nays 89, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—11

Cotton	Johnson	Scott (FL)
Cruz	Lankford	Sullivan
Hagerty	Lee	Toomey
Hawley	Paul	

NAYS—89

Baldwin	Graham	Portman
Barrasso	Grassley	Reed
Bennet	Hassan	Risch
Blackburn	Heinrich	Romney
Blumenthal	Hickenlooper	Rosen
Blunt	Hirono	Rounds
Booker	Hoeven	Rubio
Boozman	Hyde-Smith	Sanders
Braun	Inhofe	Sasse
Brown	Kaine	Schatz
Burr	Kelly	Schumer
Cantwell	Kennedy	Scott (SC)
Capito	King	Shaheen
Cardin	Klobuchar	Shelby
Carper	Leahy	Sinema
Casey	Lujan	Smith
Cassidy	Lummis	Stabenow
Collins	Manchin	Tester
Coons	Markey	Thune
Cornyn	Marshall	Tillis
Cortez Masto	McConnell	Tuberville
Cramer	Menendez	Van Hollen
Crapo	Merkeley	Warner
Daines	Moran	Warnock
Duckworth	Murkowski	Warren
Durbin	Murphy	Whitehouse
Ernst	Murray	Wicker
Feinstein	Ossoff	Wyden
Fischer	Padilla	Young
Gillibrand	Peters	

The amendment (No. 2119) was rejected.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER (Mr. LUJÁN). The bill having been read the third time, the question is, Shall the bill pass?

Mr. CARPER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 92, nays 8, as follows:

[Rollcall Vote No. 251 Leg.]

#### YEAS—92

Baldwin	Graham	Portman
Barrasso	Grassley	Reed
Bennet	Hagerty	Risch
Blackburn	Hassan	Romney
Blumenthal	Heinrich	Rosen
Blunt	Hickenlooper	Rounds
Boozman	Hirono	Rubio
Braun	Hoeben	Sasse
Brown	Hyde-Smith	Schatz
Burr	Johnson	Schumer
Cantwell	Kaine	Scott (FL)
Capito	Kelly	Scott (SC)
Cardin	Kennedy	Shaheen
Carper	King	Shelby
Casey	Klobuchar	Sinema
Cassidy	Lankford	Smith
Collins	Leahy	Stabenow
Coons	Lujan	Sullivan
Cornyn	Lummis	Tester
Cortez Masto	Manchin	Thune
Cotton	Marshall	Tillis
Cramer	McConnell	Toomey
Crapo	Menendez	Tuberville
Cruz	Moran	Van Hollen
Daines	Murkowski	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Whitehouse
Ernst	Ossoff	Wicker
Feinstein	Padilla	Wyden
Fischer	Paul	Young
Gillibrand	Peters	

#### NAYS—8

Booker	Lee	Sanders
Hawley	Markey	Warren
Inhofe	Merkley	

The bill (S. 1251) was passed, as follows:

#### S. 1251

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Growing Climate Solutions Act of 2021”.

#### SEC. 2. GREENHOUSE GAS TECHNICAL ASSISTANCE PROVIDER AND THIRD-PARTY VERIFIER CERTIFICATION PROGRAM.

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

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

(2) to facilitate the provision of technical assistance through covered entities to farmers, ranchers, and private forest landowners in overcoming barriers to entry into voluntary environmental credit markets;

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

(4) to establish the Advisory Council to advise the Secretary regarding the Program and other related matters.

(b) DEFINITIONS.—In this section:

(1) ADVISORY COUNCIL.—The term “Advisory Council” means the Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Certification Program Advisory Council established under subsection (g)(1).

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

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

(4) COVERED ENTITY.—The term “covered entity” means a person or State that either—

(A) is a provider of technical assistance to farmers, ranchers, or private forest landowners in carrying out sustainable land use management practices that—

(i) prevent, reduce, or mitigate greenhouse gas emissions; or

(ii) sequester carbon; or

(B) is a third-party verifier entity that conducts the verification of the processes described in protocols for voluntary environmental credit markets.

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

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide; and

(D) any other gas that the Secretary, in consultation with the Advisory Council, determines has been identified to have heat trapping qualities.

(6) PROGRAM.—The term “Program” means the Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Certification Program established under subsection (c).

(7) PROTOCOL.—The term “protocol” means a systematic approach that follows a science-based methodology that is transparent and thorough to establish requirements—

(A) for the development of projects to prevent, reduce, or mitigate greenhouse gas emissions or sequester carbon that include 1 or more baseline scenarios; and

(B) to quantify, monitor, report, and verify the prevention, reduction, or mitigation of greenhouse gas emissions or carbon sequestration by projects described in subparagraph (A).

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

(9) SOCIALLY DISADVANTAGED FARMER OR RANCHER; SOCIALLY DISADVANTAGED GROUP.—The terms “socially disadvantaged farmer or rancher” and “socially disadvantaged group” have the meaning given those terms in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 203(e)).

(10) TECHNICAL ASSISTANCE.—The term “technical assistance” means technical expertise, information, and tools necessary to assist a farmer, rancher, or private forest landowner who is engaged in or wants to engage in a project to prevent, reduce, or mitigate greenhouse gas emissions or sequester carbon to meet a protocol.

(11) VOLUNTARY ENVIRONMENTAL CREDIT MARKET.—The term “voluntary environmental credit market” means a voluntary market through which agriculture or forestry credits may be bought or sold.

(c) ESTABLISHMENT.—

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

(2) DETERMINATION.—The Secretary shall establish the Program only if, after considering relevant information, including the information collected or reviewed relating to the assessment conducted under subsection (h)(1)(A), the Secretary determines that the Program will further each of the purposes described in paragraphs (1) and (2) of subsection (a).

(3) REPORT.—If the Secretary determines under paragraph (2) that the Program would not further the purposes described in paragraph (1) or (2) of subsection (a) and does not establish the Program, the Secretary shall publish a report describing the reasons the Program would not further those purposes.

(d) CERTIFICATION QUALIFICATIONS.—

(1) IN GENERAL.—

(A) PROTOCOLS AND QUALIFICATIONS.—After providing public notice and at least a 60-day period for public comment, the Secretary shall, during the 90-day period beginning on the date on which the Program is established, publish—

(i) a list of, and documents relating to, recognized protocols for voluntary environmental credit markets that are designed to ensure consistency, reliability, effectiveness, efficiency, and transparency, including protocol documents and details relating to—

(I) calculations;

(II) sampling methodologies;

(III) accounting principles;

(IV) systems for verification, monitoring, measurement, and reporting; and

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

(ii) descriptions of qualifications for covered entities that—

(I) demonstrate that the covered entity can assist farmers, ranchers, and private forest landowners in accomplishing the purposes described in paragraphs (1) and (2) of subsection (a); and

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

(B) REQUIREMENTS.—Covered entities certified under the Program shall maintain expertise in the protocols described in subparagraph (A)(i), adhere to the qualifications described in subparagraph (A)(ii), and adhere to any relevant conflict of interest requirements, as determined appropriate by the Secretary, for—

(i) the provision of technical assistance to farmers, ranchers, and private forest landowners for carrying out activities described in paragraph (2); or

(ii) the verification of the processes described in protocols for voluntary environmental credit markets that are used in carrying out activities described in paragraph (2).

(2) ACTIVITIES.—The activities for which covered entities 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, which may include—

(A) land or soil carbon sequestration;

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

(C) livestock emissions reductions, including emissions reductions achieved through—

(i) feeds, feed additives, and the use of by-products as feed sources; or

(ii) manure management practices;

(D) on-farm energy generation;

(E) energy feedstock production;

(F) fertilizer or nutrient use emissions reductions;

(G) reforestation;

(H) forest management, including improving harvesting practices and thinning diseased trees;

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

(J) restoration of wetlands or grasslands;

(K) grassland management, including prescribed grazing;

(L) current practices associated with private land conservation programs administered by the Secretary; and

(M) such other activities, or combinations of activities, that the Secretary, in consultation with the Advisory Council, determines to be appropriate.

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

(A) ensure that the requirements for covered entities to certify under the Program include maintaining expertise in all relevant information relating to market-based protocols, as appropriate, with regard to—

(i) quantification;

(ii) verification;

(iii) additionality;

(iv) permanence;

(v) reporting; and

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

(B) ensure that a covered entity certified under the Program 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 prevent, reduce, or mitigate greenhouse gas emissions or sequester carbon.

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

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

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

(A) a notification that the covered entity will—

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

(ii) adhere to the qualifications described in clause (ii) of that subsection; and

(B) appropriate documentation demonstrating the expertise described in subparagraph (A)(i) and qualifications described in subparagraph (A)(ii).

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

(A) information describing how covered entities may self-certify under the Program in accordance with paragraph (1);

(B) information describing how covered entities may obtain, through private training programs or Department of Agriculture training programs, the requisite expertise—

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

(ii) to meet the qualifications described in clause (ii) of that subsection;

(C) the protocols and qualifications published by the Secretary under subsection (d)(1)(A); and

(D) 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, including—

(i) through working with covered entities certified under the Program; and

(ii) by providing information relating to programs, registries, and protocols of programs and registries that provide market-based participation opportunities for working and conservation agricultural and forestry lands.

(3) PUBLICATION.—During the 1-year period beginning on the date on which the Program is established, the Secretary, in consultation with the Advisory Council and following the review by the Secretary for completeness and accuracy of the certification notifications and documentation submitted under paragraph (1), shall use an existing website maintained by the Secretary to publish—

(A) a list of covered entities that are certified under paragraph (1) as technical assistance providers; and

(B) a list of covered entities that are certified under paragraph (1) as verifiers of the processes described in protocols for voluntary environmental credit markets.

(4) UPDATES.—Not less frequently than quarterly, the Secretary, in consultation with the Advisory Council, shall update the lists published under paragraph (3).

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

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

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

(B) to adhere to the qualifications described in subparagraph (A)(ii) of that subsection.

(7) AUDITING.—Not less frequently than annually, the Secretary shall conduct audits of covered entities that are certified under the Program to ensure compliance with the requirements under subsection (d)(1)(B) through an audit process that includes a representative sample of—

(A) technical assistance providers; and

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

(8) REVOCATION OF CERTIFICATION.—

(A) IN GENERAL.—The Secretary may revoke the certification of a covered entity under the Program in the event of—

(i) noncompliance with the requirements under subsection (d)(1)(B); or

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

(B) NOTIFICATION.—If the Secretary revokes a certification of a covered entity under subparagraph (A), to the extent practicable, the Secretary shall—

(i) request from that covered entity contact information for all farmers, ranchers, and private forest landowners to which the covered entity provided technical assistance or the verification of the processes described in protocols for voluntary environmental credit markets; and

(ii) notify those farmers, ranchers, and private forest landowners of the revocation.

(9) FAIR TREATMENT OF FARMERS.—The Secretary shall ensure, to the maximum extent practicable, that covered entities certified under paragraph (1) act in good faith—

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

(B) in the case of technical assistance providers, to assist farmers, ranchers, and private forest landowners in ensuring that the farmers, ranchers, and private forest landowners receive fair distribution of revenues derived from the sale of an agriculture or forestry credit.

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

(f) ENFORCEMENT.—

(1) PROHIBITION ON CLAIMS.—

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

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

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

(ii) ineligible to certify under the Program for the 5-year period beginning on the date of the violation.

(2) SUBMISSION OF FRAUDULENT INFORMATION.—

(A) IN GENERAL.—A person, regardless of whether the person is certified under the program, shall not submit fraudulent information as part of a notification under subsection (e)(1).

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

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

(ii) ineligible to certify under the Program for the 5-year period beginning on the date of the violation.

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

(1) IN GENERAL.—During the 90-day period beginning on the date on which the Program is established, the Secretary shall establish an advisory council, to be known as the “Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Certification Program Advisory Council”.

(2) MEMBERSHIP.—

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

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

(i) be broadly representative of the agriculture and private forest sectors;

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

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

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

(i) not more than 2 representatives of the Department of Agriculture, as determined by the Secretary;

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

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

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

(v) not fewer than 4 representatives of private forest landowners or the forestry and



forest products industry appointed in a manner that is broadly representative of the private forest sector;

(vi) not more than 4 representatives of the relevant scientific research community, including not fewer than 2 representatives from land-grant colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)), of which 1 shall be a representative of a college or university eligible to receive funds under the Act of August 30, 1890 (commonly known as the "Second Morrill Act") (26 Stat. 417, chapter 841; 7 U.S.C. 321 et seq.), including Tuskegee University;

(vii) not more than 2 experts or professionals familiar with voluntary environmental credit markets and the verification requirements in those markets;

(viii) not more than 3 members of non-governmental or civil society organizations with relevant expertise, of which not fewer than 1 shall represent the interests of socially disadvantaged groups;

(ix) not more than 3 members of private sector entities or organizations that participate in voluntary environmental credit markets through which agriculture or forestry credits are bought and sold; and

(x) any other individual whom the Secretary determines to be necessary to ensure that the Advisory Council is composed of a diverse group of representatives of industry, academia, independent researchers, and public and private entities.

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

(E) TERMS.—

(i) IN GENERAL.—The term of a member of the Advisory Council shall be 2 years, except that, of the members first appointed—

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

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

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

(ii) ADDITIONAL TERMS.—After the initial term of a member of the Advisory Council, including the members first appointed, the member may serve not more than 4 additional 2-year terms.

(3) MEETINGS.—

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

(B) INITIAL MEETING.—During the 90-day period beginning on the date on which the members are appointed under paragraph (2)(A), the Advisory Council shall hold an initial meeting.

(4) DUTIES.—The Advisory Council shall—

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

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

(ii) the requirements described in subsection (d)(1)(B);

(B) make recommendations to the Secretary regarding the best practices that should be included in the protocols, description of qualifications, and requirements described in subparagraph (A); and

(C) advise the Secretary regarding—

(i) the current methods used by voluntary environmental credit markets to quantify and verify the prevention, reduction, and mitigation of greenhouse gas emissions or sequestration of carbon;

(ii) additional considerations for certifying covered entities under the Program;

(iii) means to reduce barriers to entry in the business of providing technical assistance or the verification of the processes described in protocols for voluntary environ-

mental credit markets for covered entities, including by improving technical assistance provided by the Secretary;

(iv) means to reduce compliance and verification costs for farmers, ranchers, and private forest landowners in entering voluntary environmental credit markets, including through mechanisms and processes to aggregate the value of activities across land ownership;

(v) issues relating to land and asset ownership in light of evolving voluntary environmental credit markets; and

(vi) additional means to reduce barriers to entry in voluntary environmental credit markets for farmers, ranchers, and private forest landowners, particularly for historically underserved, socially disadvantaged, or limited resource farmers, ranchers, or private forest landowners.

(5) COMPENSATION.—The members of the Advisory Council shall serve without compensation.

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

(A) engaging in any determinations or activities of the Advisory Council that may result in the favoring of, or a direct and predictable effect on—

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

(ii) stock owned by the member or a family member, as determined by the Secretary; or

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

(B) providing advice or recommendations regarding, or otherwise participating in, matters of the Advisory Council that—

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

(ii) may call into question the integrity of the Advisory Council, the Program, or the technical assistance or verification activities described under subsection (d)(2).

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

(h) ASSESSMENT.—

(1) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall—

(A) conduct an assessment, including by incorporating information from existing publications and reports of the Department of Agriculture and other entities with relevant expertise, regarding—

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

(ii) the estimated overall domestic market demand for agriculture or forestry credits at the end of the preceding 4-calendar year period, and historically, in voluntary environmental credit markets;

(iii) the total number of agriculture or forestry credits (measured in metric tons of carbon dioxide equivalent) that were estimated to be in development, generated, or sold in market transactions during the preceding 4-calendar year period, and historically, in voluntary environmental credit markets;

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

(v) the barriers to entry due to compliance and verification costs described in subsection (g)(4)(C)(iv);

(vi) the state of monitoring and measurement technologies needed to quantify long-term carbon sequestration in soils and from other activities to prevent, reduce, or mitigate greenhouse gas emissions in the agriculture and forestry sectors;

(vii) means to reduce barriers to entry into voluntary environmental credit markets for small, beginning, and socially disadvantaged farmers, ranchers, and private forest landowners and the extent to which existing protocols in voluntary environmental credit markets allow for aggregation of projects among farmers, ranchers, and private forest landowners;

(viii) means to leverage existing Department of Agriculture programs and other Federal programs that could improve, lower the costs of, and enhance the deployment of monitoring and measurement technologies described in clause (vi);

(ix) the potential impact of Department of Agriculture activities on supply and demand of agriculture or forestry credits;

(x) the potential role of the Department of Agriculture in encouraging innovation in voluntary environmental credit markets;

(xi) the extent to which the existing regimes for generating and selling agriculture or forestry credits, as the regimes exist at the end of the preceding 4-calendar year period, and historically, and existing voluntary environmental credit markets, may be impeded or constricted, or achieve greater scale and reach, if the Department of Agriculture were involved, including by considering the role of the Department of Agriculture in reducing the barriers to entry identified under clause (v), including by educating stakeholders about voluntary environmental credit markets;

(xii) the extent to which existing protocols in voluntary environmental credit markets, including verification, additionality, permanence, and reporting, adequately take into consideration and account for factors encountered by the agriculture and private forest sectors in preventing, reducing, or mitigating greenhouse gases or sequestering carbon through agriculture and forestry practices, considering variances across regions, topography, soil types, crop or species varieties, and business models;

(xiii) the extent to which existing protocols in voluntary environmental credit markets consider options to ensure the continued valuation, through discounting or other means, of agriculture and forestry credits in the case of the practices underlying those credits being disrupted due to unavoidable events, including production challenges and natural disasters; and

(xiv) opportunities for other voluntary markets outside of voluntary environmental credit markets to foster the trading, buying, or selling of credits that are derived from activities that provide other ecosystem service benefits, including activities that improve water quality, water quantity, wildlife habitat enhancement, and other ecosystem services, as the Secretary determines appropriate;

(B) publish the assessment; and

(C) submit the assessment to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives.

(2) QUADRIENNIAL ASSESSMENT.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Advisory Council, shall conduct the assessment described in paragraph (1)(A) and publish and submit the assessment in accordance with subparagraphs (B) and (C) of paragraph (1) every 4 years after the publication and submission of the first assessment under subparagraphs (B) and (C) of paragraph (1).

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

(1) the number of covered entities that—  
 (A) were registered under the Program;  
 (B) were new registrants under the Program, if applicable; and  
 (C) did not renew their registration under the Program, if applicable;  
 (2) each covered entity the certification of which was revoked by the Secretary under subsection (e)(8);  
 (3) a review of the outcomes of the Program, including—  
 (A) the ability of farmers, ranchers, and private forest landowners, including small, beginning, and socially disadvantaged farmers, ranchers, and private forest landowners, to develop agriculture or forestry credits through covered entities certified under the Program;

(B) methods to improve the ability of farmers, ranchers, and private forest landowners to overcome barriers to entry to voluntary environmental credit markets; and  
 (C) methods to further facilitate participation of farmers, ranchers, and private forest landowners in voluntary environmental credit markets; and  
 (4) any recommendations for improvements to the Program.

(j) CONFIDENTIALITY.—  
 (1) PROHIBITION.—  
 (A) IN GENERAL.—Except as provided in paragraph (2), the Secretary, any other officer or employee of the Department of Agriculture or any agency of the Department of Agriculture, or any other person may not disclose to the public the information held by the Secretary described in subparagraph (B).

(B) INFORMATION.—  
 (i) IN GENERAL.—Except as provided in clause (ii), the information prohibited from disclosure under subparagraph (A) is—  
 (I) information collected by the Secretary or published by the Secretary under subsection (h) or (i);  
 (II) personally identifiable information, including in a contract or service agreement, of a farmer, rancher, or private forest landowner, obtained by the Secretary under paragraph (7) or (8)(B)(i) of subsection (e); and  
 (III) confidential business information in a contract or service agreement of a farmer, rancher, or private forest landowner obtained by the Secretary under paragraph (7) or (8)(B)(i) of subsection (e).

(ii) AGGREGATED RELEASE.—Information described in clause (i) may be released to the public if the information has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied or is the subject of the particular information.

(2) EXCEPTION.—Paragraph (1) shall not prohibit the disclosure—

(A) of the name of any covered entity published and submitted by the Secretary under subsection (i)(2); or  
 (B) by an officer or employee of the Federal Government of information described in paragraph (1)(B) as otherwise directed by the Secretary or the Attorney General for enforcement purposes.

(k) FUNDING.—  
 (1) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount made available under paragraph (2), there is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2022 through 2026.

(2) DIRECT FUNDING.—

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

(B) DIRECT FUNDING.—If sufficient unobligated amounts made available by section 1003 of the American Rescue Plan Act of 2021 (Public Law 117-2) are available on the date of enactment of this Act to execute the entire rescission described in subparagraph (A), then on the day after the execution of the entire rescission, there is appropriated to the Secretary, out of amounts in the Treasury not otherwise appropriated, \$4,100,000 to carry out this section.

The PRESIDING OFFICER (Mr. SCHATZ). Under the previous order, the motion to reconsider is considered made and laid upon the table.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of Candace Jackson-Akiwumi, of Illinois, to be United States Circuit Judge for the Seventh Circuit.

The PRESIDING OFFICER. The senior Senator from Iowa.

UNANIMOUS CONSENT REQUEST—S. 831

Mr. GRASSLEY. Mr. President, I am here with Senators Cornyn and Leahy to ask unanimous consent.

As if in legislative session, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 831 and the Senate proceed to its immediate consideration; further, that the Grassley amendment at the desk be considered and agreed to; and that the bill, as amended, be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from South Carolina.

Mr. GRAHAM. I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I guess I am not surprised that we would have an objection like this because a program that has been corrupt and that we have been trying to reform for 8 years—every time we reach an agreement, there is big-moneyed interests in this town and around the country that keep it from happening.

So today's objection, unfortunately, represents another victory for those same moneyed, powerful, corrupt interests that have so often worked to kill reforms to a program that they love to abuse for nothing more than their own financial benefit.

It also means that Congress will not be able to pass legislation to reauthor-

ize the program in advance of its expiration on June 30. A narrow subset of big-moneyed and corrupt interests has now shown that they would rather kill the program altogether than have to accept integrity programs designed to clamp down on their bad behavior.

I thank all those groups who have been working with us for 8 years to get this program reformed. A lot of those people use that program. They were willing to make it an honest program.

All of this action today of this objection is unfortunate but not surprising.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, EB-5 investments are a major economic driver in Texas. EB-5 projects use merit-based immigration to create thousands of American jobs and bring billions of dollars in investment to major urban areas, like Dallas and Houston, as well as our rural communities across the State. These projects include investments in infrastructure for a wide variety of sectors, including energy, hospitality, residential, and commercial.

I am a supporter of the EB-5 Program and its resources for the community, but there is no question, as Senator GRASSLEY has said, that it could stand some reforms. As with any debate in Congress, there are a lot of different opinions on what those reforms should look like, but we can all agree that we need to strengthen this program and reauthorize it.

I am glad to join Senator GRASSLEY today in offering this legislation to improve the integrity and security of the EB-5 Program, while ensuring law-abiding Texas job creators aren't negatively impacted.

This bill would have reauthorized the EB-5 Program until 2023, with significant oversight and integrity measures. It will require regional centers to have policies and procedures in place to protect against fraud. It will give the Department of Homeland Security greater authority to terminate applications based on fraud, criminal misuse, or threats to public safety or national security. It would subject EB-5 projects to greater oversight. All of these changes come without skewing the framework of the program to benefit certain areas to the detriment of others.

This happens to be very similar to legislation that I introduced in 2015 with Senator SCHUMER and Senator Flake, which included recommendations from both the Department of Homeland Security and the Government Accountability Office.

I appreciate Chairman GRASSLEY's leadership on this legislation, and I hope at some point we can reauthorize the EB-5 Program and safeguard critical investments in communities across the country.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I was happy to join with both Senators