

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2880

To require the Secretary of Agriculture to establish a carbon incentives program to achieve supplemental greenhouse gas emissions reductions on private agricultural and forestland of the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2009

Ms. PINGREE of Maine (for herself, Mr. SHULER, Mr. SCHRADER, Mr. HODES, and Mr. MICHAUD) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To require the Secretary of Agriculture to establish a carbon incentives program to achieve supplemental greenhouse gas emissions reductions on private agricultural and forestland of the United States, 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 “Buy American Carbon  
5        Incentives Program Act of 2009”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **AVOIDED CONVERSION AGREEMENT.**—The  
4 term “avoided conversion agreement” means a per-  
5 manent conservation easement covering eligible land  
6 enrolled under a climate mitigation contract pro-  
7 viding that the eligible land covered will not be con-  
8 verted for development. Avoided conversion agree-  
9 ments shall be consistent with the guidelines of the  
10 Farm and Ranchland Protection Program, Forest  
11 Legacy Program, or any other program approved by  
12 the Secretary for use under this section to provide  
13 consistency with Federal legal requirements for per-  
14 manent conservation easements.

15 (2) **CLIMATE MITIGATION CONTRACT.**—The  
16 term “climate mitigation contract” or “contract”  
17 means a contract of not less than 15 years speci-  
18 fying the eligible practices that will be undertaken,  
19 the acreage of eligible land upon which the practices  
20 will be undertaken, the agreed rate of compensation  
21 per acre, and a schedule to verify that the terms of  
22 the contract have been fulfilled.

23 (3) **ELIGIBLE LANDS.**—The term “eligible  
24 lands” means agricultural and forestland in the  
25 United States that is privately owned at the time of  
26 initiation of a climate mitigation contract.

1           (4) ELIGIBLE PRACTICE.—The term “eligible  
2           practice” means an agricultural practice or forestry  
3           practice determined by the Secretary to provide  
4           measurable increases in carbon sequestration and  
5           storage on eligible lands beyond customary practices  
6           on comparable lands.

7           (5) PROGRAM.—The term “program” means  
8           the carbon incentives program required by this Act.

9           (6) SECRETARY.—The term “Secretary” means  
10          the Secretary of Agriculture.

11 **SEC. 3. SUPPLEMENTAL GREENHOUSE GAS EMISSIONS RE-**  
12 **DUCTIONS IN THE UNITED STATES.**

13          (a) ESTABLISHMENT AND PURPOSE.—The Secretary  
14 of Agriculture shall establish a carbon incentives program  
15 to achieve supplemental greenhouse gas emissions reduc-  
16 tions on private agricultural and forestland of the United  
17 States.

18          (b) FINANCIAL INCENTIVE PAYMENTS.—The Sec-  
19 retary shall provide financial incentive payments under the  
20 program for activities that—

21               (1) measurably increase carbon sequestration  
22               and storage over a designated contract period  
23               through management activities on eligible lands; and

1           (2) maintain carbon sequestration and storage  
2           and avoid future emissions through permanent  
3           avoided conversion agreements on eligible lands.

4 **SEC. 4. PROGRAM REQUIREMENTS.**

5           (a) **CONTRACT REQUIRED.**—To participate in the  
6 program, owners of eligible lands shall enter into a climate  
7 mitigation contract with the Secretary.

8           (b) **PROGRAM COMPONENTS.**—In establishing the  
9 program, the Secretary shall further provide that—

10           (1) funds distributed under this section shall  
11 not be substituted for, or otherwise used as a basis  
12 for reducing, funding authorized or appropriated  
13 under other programs to compensate owners of eligi-  
14 ble lands for activities that are not covered under a  
15 climate mitigation contract;

16           (2) emissions reductions achieved through a cli-  
17 mate mitigation contract shall not be eligible for  
18 crediting under any federally established offset pro-  
19 gram; and

20           (3) compensation for activities under this pro-  
21 gram shall be set at such a rate so as not to exceed  
22 the net estimated benefit an owner of eligible land  
23 would receive for the same practices through cred-  
24 iting under any federally established carbon offset  
25 program.

1 **SEC. 5. INCENTIVE PAYMENTS.**

2 (a) REGULATIONS.—Not later than 180 days after  
3 the date of the enactment of this Act, the Secretary shall  
4 establish regulations specifying eligible practices and re-  
5 lated compensation rates, standards, and guidelines as the  
6 basis for developing climate mitigation contracts with own-  
7 ers of eligible lands.

8 (b) SET-ASIDE OF FUNDS FOR CERTAIN PUR-  
9 POSES.—Not less than 35 percent of program funds shall  
10 be used to provide further incentives for owners of eligible  
11 lands willing to undertake activities and enter into agree-  
12 ments that protect carbon reductions and otherwise en-  
13 hance environmental benefits achieved under a climate  
14 mitigation contract, which shall include—

15 (1) 10 percent to provide incentive payments  
16 for additional management activities that increase  
17 the adaptive capacity of lands under a climate miti-  
18 gation contract, including but not limited to activi-  
19 ties that increase forest resilience to reversal of  
20 stored carbon; and

21 (2) 25 percent to make funds available on a  
22 competitive basis to compensate owners for entering  
23 avoided conversion agreements on lands subject to a  
24 climate mitigation contract.

1 **SEC. 6. PERFORMANCE OF SUPPLEMENTAL REDUCTIONS.**

2 In carrying out the program, the Secretary shall  
3 strive to achieve and report on progress toward reaching  
4 the following levels of carbon sequestration and storage  
5 through climate mitigation contracts:

6 (1) 100,000,000 tons of cumulative reductions  
7 by 2020.

8 (2) 200,000,000 tons of additional cumulative  
9 reductions by 2030.

10 **SEC. 7. PROGRAM MEASUREMENT, MONITORING,**  
11 **VERIFICATION, AND REPORTING.**

12 (a) MEASUREMENT, MONITORING, AND  
13 VERIFICATION.—The Secretary shall establish and imple-  
14 ment protocols that provide reasonable monitoring and  
15 verification of compliance with climate mitigation con-  
16 tracts, to include field sampling of actual performance to  
17 develop annual estimates of emissions reductions achieved  
18 under the program. Eligible practices and compensation  
19 rates may be adjusted for future climate mitigation con-  
20 tracts based on results of these measures.

21 (b) REPORTING REQUIREMENT.—At least once every  
22 18 months, the Secretary shall submit to Congress a re-  
23 port containing—

24 (1) an estimate of annual and cumulative re-  
25 ductions generated through the program, determined

1 using standardized measures including economic effi-  
2 ciency; and

3 (2) a summary of any changes to the program  
4 that will be made as a result of program measure-  
5 ment, monitoring, and verification.

6 (c) AVAILABILITY OF REPORT.—Each report re-  
7 quired by subsection (b) shall be available to the public  
8 through the official website of the Department of Agri-  
9 culture.

10 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated such sums  
12 as shall be necessary to carry out the purposes of this sec-  
13 tion.

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