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.

A BILL

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

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 cred-
it market.

(3) BEGINNING FARMER OR RANCHER.—The
term “beginning farmer or rancher” has the mean-
ing 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 en-
tity” 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 manage-
ment practices that—

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

(ii) sequester carbon; or

(B) is a third-party verifier entity that
conducts the verification of the processes de-
scribed 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 Programs established under subsection (e).

(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. 2003(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 Tech-
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 each of the purposes described in paragraphs (1) and (2) of subsection (a) and does not establish the Program, the Secretary shall publish a report describing the reasons the Program would not further each of 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 byproducts 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 qualifica-
tions 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 Sec-

(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 verifiers of the processes described in protocols for voluntary environmental credit markets; and

(B) a list of covered entities that are certified under paragraph (1) as technical assistance providers.

(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 en-
sure 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 noncompliance with the requirements under subsection (d)(1)(B).

(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 subject to a civil
penalty equal to such amount as the Secretary
determines to be appropriate, not to exceed
$1,000 per 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 es-
established, the Secretary shall establish an advisory
council, to be known as the “Greenhouse Gas Tech-
nical 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 ag-
riculture 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 nongovernmental 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 com-
posed of a diverse group of representatives
of industry, academia, independent re-
searchers, 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 ap-
pointed—

(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 vol-
untary environmental credit markets to
quantify and verify the prevention, reduc-
tion, and mitigation of greenhouse gas
emissions or sequestration of carbon;

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

(iii) means to reduce barriers to entry
in the business of providing technical as-
sistance or the verification of the processes
described in protocols for voluntary envi-
ronmental credit markets for covered enti-
ties, including by improving technical as-
sistance 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, in-
cluding 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, mat-
ters 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 integ-
rity 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 Sec-
retary, 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, buy-
ing, or selling of credits that are derived from activities that provide other eco-
system service benefits, including activities that improve water quality, water quantity,
wildlife habitat enhancement, and other ecosystem services, as the Secretary deter-
mines appropriate;

(B) publish the assessment; and

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

(2) QUADRIENNIAL ASSESSMENT.—The Sec-
retary, 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 assess-
ment in accordance with subparagraphs (B) and (C) of paragraph (1) every 4 years after the publication and submission of the first assessment under sub-
paragraphs (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 (c)(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 to execute the rescission described in subparagraph (A), on the day after the execution of the rescission, there is appropriated to the Secretary, out of amounts in the Treasury not otherwise appropriated, $4,100,000 to carry out this section.