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H.R.2454

American Clean Energy and Security Act of 2009 (Introduced in House)

SEC. 753. SUPPLEMENTAL EMISSIONS REDUCTIONS THROUGH REDUCED DEFORESTATION.

(a) Regulations- Not later than 2 years after the date of enactment of this title, the Administrator, in consultation with the Administrator of USAID and any other appropriate agencies, shall promulgate regulations establishing a program to use emission allowances set aside for this purpose under section 781 to achieve the reduction of greenhouse gas emissions from deforestation in developing countries in accordance with the requirements of this part.

(b) Objectives- The objectives of the program established under this section shall be to--

(1) achieve supplemental emissions reductions of at least 720,000,000 tons of carbon dioxide equivalent in 2020, a cumulative amount of at least 6,000,000,000 tons of carbon dioxide equivalent by December 31, 2025, and additional supplemental emissions reductions in subsequent years;

(2) build capacity to reduce deforestation in developing countries experiencing deforestation, including preparing developing countries to participate in international markets for international offset credits for reduced emissions from deforestation; and

(3) preserve existing forest carbon stocks in countries where such forest carbon may be vulnerable to international leakage, particularly in developing countries with largely intact native forests.

SEC. 754. REQUIREMENTS FOR INTERNATIONAL DEFORESTATION REDUCTION PROGRAM.

(a) Eligible Countries- The Administrator may support activities under this part only with respect to a developing country that--

(1) the Administrator, in consultation with the Administrator of USAID, determines is experiencing deforestation or forest degradation or has standing forest carbon stocks that may be at risk of deforestation or degradation; and

(2) has entered into a bilateral or multilateral agreement or arrangement with the United States establishing the conditions of its participation in the program established under this part, which shall include an agreement to meet the standards established under subsection (d) for the activities to which those standards apply.

(b) Activities- (1) Subject to the requirements of this part, the Administrator, in consultation with the Administrator of USAID, may support activities to achieve the objectives identified in section 753(b), including--

(A) national deforestation reduction activities;

(B) subnational deforestation reduction activities, including pilot activities that reduce greenhouse gas emissions but are subject to significant uncertainty;

(C) activities to measure, monitor, and verify deforestation, avoided deforestation, and deforestation rates;

(D) leakage prevention activities;

(E) development of measurement, monitoring, and verification capacities to enable a country to quantify supplemental emissions reductions and to generate for sale offset credits from reduced or avoided deforestation;

(F) development of governance structures to reduce deforestation and illegal logging;

(G) enforcement of requirements for reduced deforestation or forest conservation;

(H) efforts to combat illegal logging and increase enforcement cooperation;

(I) providing incentives for policy reforms to achieve the objectives identified in section 753(b); and

(J) monitoring and evaluation of the results of the activities conducted under this section.

(2) ACTIVITIES SELECTED BY USAID-

(A) The Administrator of USAID, in consultation with the Administrator, may select for support and implementation pursuant to subsection (c) any of the activities described in paragraph (1), consistent with this part and the regulations promulgated under subsection (d), and subject to the requirement to achieve the objectives listed in section 753(b)(1).

(B) With respect to the activities listed in subparagraphs (iv) through (x) of this section, the Administrator of USAID, in consultation with the Administrator, shall have primary but not exclusive responsibility for selecting the activities to be supported and implemented.

(3) INTERAGENCY COORDINATION- The Administrator and the Administrator of USAID shall jointly develop and biennially update a strategic plan for meeting the objectives listed in section 753(b) and shall execute a memorandum of understanding delineating the agencies' respective roles in implementing this part.

(c) Mechanisms-

(1) IN GENERAL- The Administrator may support activities to achieve the objectives identified in section 753(b) by--

(A) developing and implementing programs and projects that achieve such objectives; and

(B) distributing emission allowances to a country that is eligible under subsection (a), to any private or public group (including international organizations), or to an international fund established by an international agreement to which the United States is a party, to carry out activities to achieve such objectives.

(2) USAID ACTIVITIES- With respect to activities selected and implemented by the Administrator of USAID pursuant to (b)(2), the Administrator shall distribute emission allowances as provided in subparagraph (1) based upon the direction of the Administrator of USAID, subject to the availability of allowances for such activities.

(3) IMPLEMENTATION THROUGH INTERNATIONAL ORGANIZATIONS- If support is distributed through an international organization, the agency responsible for selecting activities in accordance with subparagraph (b)(1) or (2), in consultation with the Secretary of State, shall ensure the establishment and implementation of adequate mechanisms to apply and enforce the eligibility requirements and other requirements of this section.

^ (4) ROLE OF THE SECRETARY OF STATE- The Administrator may not distribute emission allowances to the government of another country or to an international organization or international fund unless the Secretary of State has concurred with such distribution.

^ (d) Standards- The Administrator, in consultation with the Administrator of USAID, shall promulgate standards to ensure that supplemental emissions reductions achieved through supported activities are additional, measurable, verifiable, permanent, monitored, and account for leakage and uncertainty. In addition, such standards shall--

^ (1) require the establishment of a national deforestation baseline for each country with national deforestation reduction activities that is used to account for reductions achieved from such activities;

^ (2) provide that a national deforestation baseline established under paragraph (1) shall--

^ (A) be national in scope;

^ (B) be consistent with nationally appropriate mitigation commitments or actions with respect to deforestation, taking into consideration the average annual historical deforestation rates of the country during a period of at least 5 years and other factors to ensure additionality;

^ (C) establish a trajectory that would result in zero net deforestation by not later than 20 years from the date the baseline is established;

^ (D) be adjusted over time to take account of changing national circumstances;

^ (E) be designed to account for all significant sources of greenhouse gas emissions from deforestation in the country; and

^ (F) be consistent with the national deforestation baseline, if any, established for such country under section 743(e)(4);

^ (3) with respect to support provided pursuant to subsection (b)(1) or (2), require supplemental emissions reductions to be achieved and verified prior to compensation through the distribution of emission allowances under this part;

^ (4) with respect to accounting for subnational deforestation reduction activities that lack the standardized or precise measurement and monitoring techniques needed for a full accounting of changes in emissions or baselines, or are subject to other sources of uncertainty, apply a conservative discount factor to reflect the uncertainty regarding the levels of reductions achieved;

^ (5) ensure that activities under this part shall be designed, carried out, and managed--

^ (A) in accordance with widely accepted, environmentally sustainable forestry practices; and

^ (B) to promote native species and conservation or restoration of native forests, if practicable, and to avoid the introduction of invasive nonnative species; and

^ (6) with respect to support for all activities under this part, seek to ensure the establishment and enforcement by the recipient country of legal regimes, standards, and safeguards that--

^ (A) give due regard to the rights and interests of local communities, indigenous and forest-dependent peoples, and vulnerable social groups;

^ (B) promote consultations with local communities and indigenous and forest-dependent peoples in affected areas, as partners and primary stakeholders, prior to and during the design, planning, implementation, monitoring, and evaluation of activities under this part; and

^ (C) encourage sharing of profits from incentives for emissions reductions or leakage prevention with local communities and indigenous and forest-dependent peoples.

^ (e) Expansion of Scope- The Administrator, in consultation with the Administrator of USAID, may decide, taking into account any advice from the Advisory Board, to expand, where appropriate, the scope of activities under this part to include--

^ (1) reduced emissions from forest degradation; or

^ (2) reduced soil carbon-derived emissions associated with deforestation and degradation of forested wetlands and peatlands.

^ (f) Accounting- The Administrator shall establish a publicly accessible registry of the supplemental emissions reductions achieved through support provided under this part each year, after appropriately discounting for uncertainty and other relevant factors as required by the standards established under subsection (d).

^ (g) Transition to National Reductions- Beginning 5 years after the date that a country entered into the agreement or arrangement required under subsection (a)(2), the Administrator shall provide no further compensation through emission allowances to that country under this part for any subnational deforestation reduction activities, except that the Administrator may extend this period by an additional 5 years if the Administrator, in consultation with the Administrator of USAID, determines that--

^ (1) the country is making substantial progress towards adopting and implementing a program to achieve reductions in deforestation measured against a national baseline;

^ (2) the greenhouse gas emissions reductions achieved are not resulting in significant leakage; and

^ (3) the greenhouse gas emissions reductions achieved are being appropriately discounted to account for any leakage that is occurring.

The limitation under this subsection shall not apply to support for activities to further the objectives listed in section 753(b)(2) or (3).

^ (h) Coordination With U.S. Foreign Assistance- Subject to the Direction of the President, the Administrator and the Administrator of USAID shall, to the extent practicable and consistent with the objectives of this program, seek to align activities under this section with broader development, poverty alleviation, or natural resource management objectives and initiatives in the recipient country.

^ (i) Support as Supplement- The provision of support for activities under this part shall be used to supplement, and not to supplant, any other Federal, State, or local support available to carry out such qualifying activities under this part.

^ SEC. 755. REPORTS AND REVIEWS.

^ (a) Reports- Not later than January 1, 2014, and annually thereafter, the Administrator and the Administrator of USAID shall submit to the Committee on Energy and Commerce and the Committee on Foreign Affairs of the House of Representatives, and the Committee on Environment and Public Works and the Committee on Foreign Relations of the Senate, and make available to the public, a report on the support provided under this part during the prior fiscal year. The report shall include--

^ (1) a statement of the quantity of supplemental emissions reductions for which compensation was provided under this part during the prior fiscal year, as registered by the Administrator under section 754(f); and

^ (2) a description of the national and subnational deforestation reduction activities, capacity-building activities, and leakage prevention activities supported under this part, including a statement of the quantity of emission allowances distributed to each recipient for each activity during the prior fiscal year, and a description of what was accomplished through each of the activities.

^ (b) Reviews- Not later than 4 years after the date of enactment of this title and every 5 years thereafter, the Administrator and the Administrator of USAID and taking into consideration any evaluation by or recommendations from the Advisory Board established under section 731, shall conduct a review