This document has been prepared as part of the implementation project of Legal Pathways to Deep Decarbonization (Michael B. Gerrard and John C. Dernbach, eds. Environmental Law Institute [2019]) (LPDD). For background information on the project, see https://lpdd.org

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 Federal Fossil Fuels Leasing Reform Act.

SECTION 2. POLICY.

It is the policy of the United States of America to end new leasing and continuation of leasing for exploration, development, and production of fossil fuels on the public lands and outer continental shelf of the United States in order to reduce the addition of greenhouse gases to the atmosphere from their production and consumption and to limit the damage resulting from climate change to the people of the United States, public infrastructure, and natural systems.

SECTION 3. DEFINITIONS.

In this Act:

(1) EXTEND. – The term “extend” means to continue a lease in force after the conclusion of its primary term or terms, and includes leases that are extended by operation of law. It does not include the time period added to the term of a lease as a consequence of a lease suspension.

(2) FOSSIL FUEL. – The term “fossil fuel” means coal, oil, gas, coalbed methane, oil shale, tar sands, and any other similar mineral substance.
(3) GREENHOUSE GASES. – The term “greenhouse gases” means carbon dioxide, methane, nitrous oxides, fluorinated gases, and any other gases reported in the most recently issued “Inventory of U.S. Greenhouse Gas Emissions and Sinks” by the Environmental Protection Agency.

(4) NONPRODUCING LEASE. – The term “nonproducing lease” means any lease from which fossil fuels have not been extracted in paying quantities (or commercial quantities in the case of a coal lease) during the term of the currently applicable lease.

(5) REINSTATE. – The term “reinstate” means the Secretary’s action to return a lease into force after it has been terminated or cancelled.

(6) RENEW. – The term “renew” means, in the case of previously issued leases subject to renewal rights, the addition of a term of years to the term currently in force.

(7) SECRETARY. – The term “Secretary” means the Secretary of the Interior.

SECTION 4. ONSHORE LEASING OF FOSSIL FUELS.

(a) PROHIBITION. – Notwithstanding any other provision of law, the Secretary shall not, on lands subject to the Mineral Leasing Act, the Mineral Leasing Act for Acquired Lands, or within the National Petroleum Reserve-Alaska,

(1) Offer for lease, reoffer for lease any lands or interests encompassed in an expiring or expired lease, conduct any lease sale, or enter into any lease for the exploration, development, or production of fossil fuels.

(2) Extend or renew any nonproducing lease for the exploration, development, or production of fossil fuels, nor shall such leases be renewed or extended by operation of law.
(3) Reinstate any nonproducing lease for the exploration, development, or production of fossil fuels.

(b) CANCELLATION.—Notwithstanding any other provision of law, any nonproducing lease for the exploration, development, or production of fossil fuels subject to the Mineral Leasing Act, the Mineral Leasing Act for Acquired Lands, or within the National Petroleum Reserve-Alaska, for which operations, production, or operations and production have been suspended by or with the approval of the Secretary for a period of 5 years or more, may be cancelled by the Secretary.

SECTION 5. OFFSHORE LEASING OF FOSSIL FUELS

(a) Section 3 of the Outer Continental Shelf Lands Act (43 U.S.C. § 1332) (Congressional declaration of policy) is amended by adding the following:

“(7) additional leasing and continuation of leasing for exploration, development, and production of fossil fuels on the outer continental shelf of the United States should be ended in order to reduce the addition of greenhouse gases to the atmosphere from their production and consumption and to limit the damage resulting from climate change to the people of the United States, public infrastructure, and natural systems.”

(b) Section 8 of the Outer Continental Shelf Lands Act 43 U.S.C. § 1337) is amended by adding the following:

“(q) PROHIBITION. -- Notwithstanding any other provision of law, the Secretary shall not, under this Act,

(1) Offer for lease, reoffer for lease any lands or interests encompassed in an expiring or expired lease, conduct any lease sale, or enter into any lease or any other
authorization for the exploration, development, or production of oil, gas, or any
other fossil fuels.

(2) Extend or renew any nonproducing lease for the exploration, development, or
production of fossil fuels, nor shall such leases be renewed or extended by
operation of law.

(3) Reinstate any nonproducing lease for the exploration, development, or production
of fossil fuels.”

(c) Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. § 1334) is amended by
renumbering existing subsection (c) (nonproducing leases) as (c)(1), and adding the
following:

“(c)(2) Notwithstanding anything else in this Act, and without making the
findings specified in subsection (a)(2)(A) of this section, the Secretary may, by giving
notice, cancel any nonproducing lease, regardless of whether the owner is in compliance
or not, after such lease has been in suspension for a period of 5 years.”

SECTION 6. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or
circumstance, is held to be invalid, the remainder of this Act shall remain in force and the
application of the remainder of its provisions shall not be affected.