

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

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

7 **SECTION 1. SHORT TITLE.**

8 This Act may be cited as the Federal Fossil Fuels Leasing Reform Act.

9 **SECTION 2. POLICY.**

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

15 **SECTION 3. DEFINITIONS.**

16 In this Act:

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

21 (2) **FOSSIL FUEL.** – The term “fossil fuel” means coal, oil, gas, coalbed methane, oil
22 shale, tar sands, and any other similar mineral substance.

23 (3) GREENHOUSE GASES. – The term “greenhouse gases” means carbon dioxide,
24 methane, nitrous oxides, fluorinated gases, and any other gases reported in the most recently
25 issued “Inventory of U.S. Greenhouse Gas Emissions and Sinks” by the Environmental
26 Protection Agency.

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

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

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

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

35 **SECTION 4. ONSHORE LEASING OF FOSSIL FUELS.**

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

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

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

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

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

53 **SECTION 5. OFFSHORE LEASING OF FOSSIL FUELS**

54 (a) Section 3 of the Outer Continental Shelf Lands Act (43 U.S.C. § 1332)

55 (Congressional declaration of policy) is amended by adding the following:

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

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

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

65 (1) Offer for lease, reoffer for lease any lands or interests encompassed in an expiring
66 or expired lease, conduct any lease sale, or enter into any lease or any other

67 authorization for the exploration, development, or production of oil, gas, or any
68 other fossil fuels.

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

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

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

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

81 **SECTION 6. SEVERABILITY.**

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