H. R. 11

To require the Secretary of the Interior and the Chief of the Forest Service to align management of public lands and waters with the President’s greenhouse gas emission reduction goals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GRIJALVA introduced the following bill; which was referred to the Committee on

A BILL

To require the Secretary of the Interior and the Chief of the Forest Service to align management of public lands and waters with the President’s greenhouse gas emission reduction goals, 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 AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Public Lands and Waters Climate Leadership Act of 2022”.

(Original Signature of Member)
(b) **TABLE OF CONTENTS.**—The table of contents for this Act is the following:

Sec. 1. Short title and table of contents.
Sec. 2. Public lands and waters energy and climate policy.
Sec. 3. Alignment of Federal fossil fuel development with climate change targets.
Sec. 4. Emissions reduction strategy for public lands and waters.
Sec. 5. Climate test screening tool and conditions.
Sec. 6. Online publication of greenhouse gas emissions.
Sec. 7. Accounting for carbon pollution in fossil fuel fiscal terms.
Sec. 8. Definitions.

**SEC. 2. PUBLIC LANDS AND WATERS ENERGY AND CLIMATE POLICY.**

It is the policy of the United States that—

(1) the United States should aggressively reduce greenhouse gas emissions to achieve the Biden administration’s climate change commitments which align with the Intergovernmental Panel on Climate Change (IPCC) pathway for a 66-percent chance of avoiding 1.5 degrees Celsius warming, and should harness the full potential of America’s public lands and waters to help deliver on these critical emission reduction goals;

(2) public lands should be managed to rapidly reduce greenhouse gas emissions and co-pollutant emissions and to respond to unavoidable impacts of climate change through increased resilience of ecosystems and wildlife habitats;

(3) the protection of ocean ecosystems is vital to promoting ocean health and increasing resilience
to climate change, and conservation of United States
marine resources is one of the best ways to remove
carbon dioxide from the atmosphere;

(4) energy development and production deci-
sions on public lands and oceans should be guided
by the goals of—

(A) protecting human well-being, biodiver-
sity, and the environment for present and fu-
ture generations;

(B) avoiding the most harmful impacts of
climate change;

(C) promoting a rapid, sustainable, just,
and equitable transition to a clean energy econ-
omy; and

(D) preserving natural carbon storage
sinks;

(5) Tribal nations and environmental justice
communities are more vulnerable to the direct and
indirect effects of emissions from public lands and
oceans and often have the least resources to re-
spond; thus, they should be meaningfully engaged in
government decision making as our Nation reduces
emissions from public lands and oceans and builds
its climate resilience against the effects of those
emissions;
(6) achieving 2030, 2035, and 2050 United States greenhouse gas emissions reduction targets established by the Biden administration are critical to prevent the worst impacts of climate change from occurring; and

(7) the Secretary of the Interior holds existing expansive legal authority to reduce or eliminate fossil fuel leasing and production, and otherwise reduce greenhouse gas emissions from public lands and waters and address climate change, including Article IV, section 3, clause 2 or the Constitution (commonly referred to as the “property clause”), the Mineral Leasing Act, the Outer Continental Shelf Lands Act, and the Federal Land Policy and Management Act of 1976.

**SEC. 3. ALIGNMENT OF FEDERAL FOSSIL FUEL DEVELOPMENT WITH CLIMATE CHANGE TARGETS.**

The Secretary—

(1) shall manage public lands and waters to minimize and mitigate greenhouse gas emissions and adapt to climate change; and

(2) may not hold new lease sales for coal, oil, natural gas, oil shale, or tar sands, or approve new fossil fuel permits or infrastructure, until the Secretary, in coordination with the Chief, develops and
releases, in accordance with all applicable laws, a
public report and action plan, as required under sec-
tion 4, that ensures that lifecycle greenhouse gas
emissions from any new fossil fuel leasing and per-
mitting on public lands and waters is consistent
with—

(A) reducing net United States greenhouse
gas emissions by 50 to 52 percent from 2005
levels by 2030;

(B) achieving 100 percent carbon-free
United States electricity by 2035; and

(C) achieving net-zero emissions from the
entire United States economy by 2050.

SEC. 4. EMISSIONS REDUCTION STRATEGY FOR PUBLIC
LANDS AND WATERS.

(a) REQUIREMENT TO PUBLISH EMISSIONS REDUC-
TION STRATEGY.—The Secretary and the Chief, working
with the heads of other Federal agencies as the Secretary
and Chief determine appropriate, shall jointly develop,
publish, implement, and update an Emissions Reduction
Strategy for Public Lands and Waters once every 3 years
that—

(1) covers the lifecycle greenhouse gas emis-
sions resulting from fossil fuels produced on public
lands and waters; and
(2) includes emission reduction goals for the intervening years between the 2030, 2035, and 2050 climate targets identified in section 3.

(b)(1) Resumption of leasing and permitting.—The Secretary may hold new lease sales and issue new fossil fuel permits over the following 3 years until a new Emissions Reduction Strategy for Public Lands and Waters is required to be published if the Secretary—

(A) finds substantial progress toward compliance with the most recent Emissions Reduction Strategy;

(B) finds that lifecycle emissions from new fossil fuel leasing and permitting on public lands and waters is consistent with achieving the climate targets established in section 3; and

(C) publishes a determination that the most current Emissions Reduction Strategy will be complied with.

(2) Consistency with existing development procedures.—Nothing in this section shall preempt or alter other requirements for lease sales and fossil fuel permits, including provisions under the Outer Continental Shelf Lands Act, the Mineral Leasing Act, the National Environmental Policy Act of 1969, and the Federal Land Policy and Management Act of 1976.
(c) Public Comment Period.—Not less than 4 months before the date of publication of the first Emissions Reduction Strategy and each subsequent Emissions Reduction Strategy, the Secretary and the Chief shall jointly publish a draft of the Emissions Reduction Strategy which shall be open for public comment for 60 days.

(d) Consultations Required.—In developing each Emissions Reduction Strategy, the Secretary and the Chief shall consult with—

(1) the Director of the United States Geological Survey with regard to the estimated lifecycle emissions associated with fossil fuels produced from public lands, the source of the emissions, and the carbon sequestration potential of those lands;

(2) the Administrator of the Environmental Protection Agency with regard to—

(A) carbon management techniques intended to minimize the environmental impacts of fossil fuels; and

(B) the implications for and the impacts on environmental justice communities;

(3) the Chair of the Council on Environmental Quality with regard to the implications for and the cumulative impacts on environmental justice communities;
(4) the Administrator of the National Oceanic and Atmospheric Administration with regard to strategies to protect and strengthen the carbon sequestration potential of ocean and coastal ecosystems; and

(5) the Director of the United States Fish and Wildlife Service and the Administrator of the National Oceanic and Atmospheric Administration with regard to protection of ecosystem services and the survival and recovery of species listed as threatened or endangered under the Endangered Species Act of 1973 for which climate change is a primary threat.

(e) INPUT.—In developing each Emissions Reduction Strategy, the Secretary and the Chief shall solicit the input of—

(1) federally recognized Indian Tribes;
(2) Native Hawaiians;
(3) Alaskan Native Tribes;
(4) State Governors;
(5) scientists and technical experts within the United States Global Change Research Program and other government and independent science and policy experts;
(6) Indigenous groups;
(7) labor unions; and
(8) nonprofit organizations.

(f) **Incorporating Input From Environmental Justice Communities.**—

(1) **Outreach to Environmental Justice Communities.**—In developing each Emissions Reduction Strategy, the Secretary and the Chief shall hold at least 5 public meetings in geographically diverse regions of the country experiencing an array of climate change threats to gather public input and provide meaningful community involvement opportunities with respect to the implementation of and the updating of the Strategy and efforts of the Department of the Interior and the Forest Service to reduce greenhouse gas emissions and co-pollutant emissions.

(2) **Notice.**—Notice for the meetings described in paragraph (1) shall be provided—

(A) to applicable representative entities or organizations present in the environmental justice community, including—

(i) local religious organizations;

(ii) civic associations and organizations;

(iii) business associations of people of color;
(iv) environmental and environmental justice organizations;
(v) homeowners’, tenants’, and neighborhood watch groups;
(vi) local and Tribal Governments;
(vii) rural cooperatives;
(viii) business and trade organizations;
(ix) community and social service organizations;
(x) universities, colleges, and vocational schools;
(xi) labor organizations;
(xii) civil rights organizations;
(xiii) senior citizens’ groups; and
(xiv) public health agencies and clinics;

(B) through communication methods that are accessible in the applicable environmental justice community, which may include electronic media, newspapers, radio, and other media particularly targeted at communities of color, low-income communities, and Tribal and Indigenous communities; and
(C) at least 30 days before any such meeting.

(3) COMMUNICATION METHODS AND REQUIREMENTS.—The Secretary and the Chief shall—

(A) provide translations of any documents made available to the public pursuant to this section in any language spoken by more than 5 percent of the population residing within the applicable environmental justice community, and make available translation services for meetings upon request; and

(B) not require members of the public to produce a form of identification or register their names, provide other information, complete a questionnaire, or otherwise fulfill any condition precedent to attending a meeting, but if an attendance list, register, questionnaire, or other similar document is utilized during meetings, it shall state clearly that the signing, registering, or completion of the document is voluntary.

(4) REQUIRED ATTENDANCE OF CERTAIN EMPLOYEES.—In holding a public meeting under paragraph (1), the Secretary shall ensure that at least 1 employee of the Department of the Interior at the
level of Assistant Secretary is present at the meeting
to serve as a representative of the Department of
the Interior.

(g) CONSIDERATIONS.—In developing the Strategy,
the Secretary and the Chief shall consider the following:

(1) The relative economic resiliency of United
States communities, including the proportion of
State budgets directly derived from Federal energy
revenues, and if available, any plans to replace such
lost revenue, to the phaseout of fossil fuels and the
varying abilities of communities to cope with any
changes that would be mandated by this Strategy.

(2) The immediate and long-term benefits to
States and communities that will result from the
Strategy and avoiding the worst effects of climate
change.

(3) How changes to Federal oil and gas permit-
ting and leasing procedures may result in a reduc-
tion of emissions from public lands.

(4) All direct and indirect greenhouse gas emis-
sions from existing fossil fuel leases on public lands
and waters.

(5) The potential for public lands and waters to
generate and support carbon-free energy, including
wind, solar, and geothermal projects.
(6) Costs borne by the Department of the Interior, the National Oceanic and Atmospheric Administration, and the Forest Service mitigating climate change-amplified natural resource impacts on Federal public lands and waters, including, but not limited to, wildfires, droughts, floods, riverflow declines, invasive species, and threatened and endangered species recovery.

(h) Publication of Contents of Final Strategy on Online Dashboard.—The Secretary shall publish the contents of each final Emissions Reduction Strategy on an online public dashboard, which shall include—

(1) the scientific evidence, documents, reports, and materials used in the development of the Emissions Reduction Strategy;

(2) identification of the progress made toward meeting goals of reducing emissions from public lands and waters;

(3) the actions the Secretary and the Chief have taken and intend to take over the next 3 years to help achieve the climate change targets under section 3; and

(4) all public comments received during the 60-day comment period required by subsection (c).
(i) Compliance With the Administrative Procedure Act.—Each Emissions Reduction Strategy shall be considered a final agency action subject to the Administrative Procedure Act.

SEC. 5. CLIMATE TEST SCREENING TOOL AND CONDITIONS.

(a) In General.—If the Secretary determines that fossil fuel leasing or permitting can resume on public lands and waters, pursuant to section 4(b), any such activity shall first be subjected to a climate screening policy before approval in order to test whether the proposal is individually consistent with the most recent Emissions Reduction Strategy and the conditions underlying the Secretary’s determination in that Emissions Reduction Strategy. Conditions the Secretary must consider in a climate screening tool include, at a minimum—

(1) whether the mass of lifecycle greenhouse gas emissions associated with any proposed leasing action, including lease sales and the issuance of resource management plans, is consistent with defined pathways for meeting climate targets; and

(2) whether production pursuant to such leasing action would remain economically viable in a market that presumes that climate targets in section 3 will be met.
(b) Regulations.—Not later than 180 days after of
the enactment of this Act, the Secretary shall adopt regu-
lations establishing a climate test screening tool that de-
scribes the process and framework for carrying out the
climate screening policy established in subsection (a).

(c) Required Rejection Criteria.—The Sec-
retary shall reject any proposed fossil fuel leasing or per-
mitting action that does not satisfy the assessment set out
in subsection (a).

SEC. 6. ONLINE PUBLICATION OF GREENHOUSE GAS EMI-
SIONS.

(a) In General.—The Secretary shall make freely
available on a public website, with respect to the previous
year—

(1) information that describes for each fossil
fuel operation that is subject to the mineral leasing
laws or title III or V of the Federal Land Policy and
Management Act of 1976, regardless of size, includ-
ing production, storage, gathering, processing, trans-
portation, and handling operations—

(A) the aggregate amount of each fossil
fuel, by type and by State, produced on Federal
leases; and

(B) for gas reported, the portion and
source of such amount that was released or dis-
posed of by each of venting, flaring, and fugitive release; and

(2) information that describes the amount and sources of energy, in delivered megawatt hours, produced from operating solar, wind, and geothermal projects on public lands under lease for the production of renewable energy.

(b) FORMAT.—Information made available under this section shall be presented in a format that translates such amounts and portions into emissions of metric tons of greenhouse gases expressed in carbon dioxide equivalent using both the 20-year and 100-year Global Warming Potential-weighted emission values.

(e) DATA PUBLICATION FREQUENCY.—The data made available under this section shall be updated at least annually.

SEC. 7. ACCOUNTING FOR CARBON POLLUTION IN FOSSIL FUEL FISCAL TERMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall reform fossil fuel fiscal terms to—

(1) account for damages to the climate resulting from Federal fossil fuel production; and
(2) ensure that fiscal terms under the Department of the Interior’s jurisdiction are consistent with the most recent Emissions Reduction Strategy.

(b) TERMS.—Fiscal terms shall include collecting annual, nonrefundable severance fees on fossil fuels produced from new leases on public lands.

(c) USE OF REVENUES.—Revenues from the severance fees established under subsection (b) shall be used by the Secretary to financially support States that use revenues from Federal fossil fuel leasing and production if such government uses such revenues to diversify their economies to reduce their reliance on coal, oil, and gas.

SEC. 8. DEFINITIONS.

In this Act:

(1) CHIEF.—The term “Chief” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) CO-POLLUTANT.—The term “co-pollutant” means air pollutants, as defined by the Environmental Protection Agency, including volatile organic compounds and hazardous air pollutants that may be commingled and coemitted with greenhouse gases.

(3) ENVIRONMENTAL JUSTICE COMMUNITY.—The term “environmental justice community” means a community with significant representation of com-
1. Communities of color, low-income communities, or Tribal and Indigenous communities, that experiences, or is at risk of experiencing, higher or more adverse human health or environmental effects.

(4) Flaring.—The term “flaring” means the intentional and controlled burning of gas that occurs in the course of oil and gas or coal operations.

(5) Fossil fuel.—The term “fossil fuel” means coal, petroleum, natural gas, tar sands, oil shale, or any derivative of coal, petroleum, or natural gas.

(6) Fugitive release.—The term “fugitive release” means the unintentional and uncontrolled release of gas into the atmosphere in the course of oil and gas or coal operations.

(7) Global Warming Potential-weighted emission.—The term “Global Warming Potential-weighted emission” means the ratio of the time-integrated radiative forcing from the instantaneous release of 1 kilogram of a trace substance relative to that of 1 kilogram of carbon dioxide, measured in metric tons of carbon dioxide equivalent for each greenhouse gas according to the most recent, and any subsequent, decisions by the Intergovernmental
Panel on Climate Change regarding global warming potentials.

(8) **GREENHOUSE GAS.**—The term “greenhouse gas” means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons;

(F) sulfur hexafluoride; or

(G) any other anthropogenically emitted gas that is determined by the Administrator of the Environmental Protection Agency, after notice and comment, to contribute to global warming to a nonnegligible degree.

(9) **PUBLIC LAND.**—The term “public land” means any land and interest in land owned by the United States within the several States or the District of Columbia and administered by the Secretary or the Chief, without regard to how the United States acquired ownership, including lands located on the Outer Continental Shelf, but excluding lands held in trust for an Indian or Indian Tribe.

(10) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.
(11) EMISSIONS REDUCTION STRATEGY.—The term “Emissions Reduction Strategy” means the Emissions Reduction Strategy for Public Lands and Waters required to be developed and published under section 4.