

117TH CONGRESS
2D SESSION

H. R. 8802

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

SEPTEMBER 13, 2022

Mr. GRIJALVA (for himself, Mr. LOWENTHAL, Mr. HUFFMAN, Ms. PORTER, Ms. DEGETTE, Mr. LEVIN of California, and Mr. MCEACHIN) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Public Lands and Waters Climate Leadership Act of
6 2022”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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.

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

5 It is the policy of the United States that—

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

15 (2) public lands should be managed to rapidly
 16 reduce greenhouse gas emissions and co-pollutant
 17 emissions and to respond to unavoidable impacts of
 18 climate change through increased resilience of eco-
 19 systems and wildlife habitats;

20 (3) the protection of ocean ecosystems is vital
 21 to promoting ocean health and increasing resilience

1 to climate change, and conservation of United States
2 marine resources is one of the best ways to remove
3 carbon dioxide from the atmosphere;

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

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

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

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

15 (D) preserving natural carbon storage
16 sinks;

17 (5) Tribal nations and environmental justice
18 communities are more vulnerable to the direct and
19 indirect effects of emissions from public lands and
20 oceans and often have the least resources to re-
21 spond; thus, they should be meaningfully engaged in
22 government decision making as our Nation reduces
23 emissions from public lands and oceans and builds
24 its climate resilience against the effects of those
25 emissions;

1 (6) achieving 2030, 2035, and 2050 United
2 States greenhouse gas emissions reduction targets
3 established by the Biden administration are critical
4 to prevent the worst impacts of climate change from
5 occurring; and

6 (7) the Secretary of the Interior holds existing
7 expansive legal authority to reduce or eliminate fos-
8 sil fuel leasing and production, and otherwise reduce
9 greenhouse gas emissions from public lands and
10 waters and address climate change, including Article
11 IV, section 3, clause 2 or the Constitution (com-
12 monly referred to as the “property clause”), the
13 Mineral Leasing Act, the Outer Continental Shelf
14 Lands Act, and the Federal Land Policy and Man-
15 agement Act of 1976.

16 **SEC. 3. ALIGNMENT OF FEDERAL FOSSIL FUEL DEVELOP-**
17 **MENT WITH CLIMATE CHANGE TARGETS.**

18 The Secretary—

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

22 (2) may not hold new lease sales for coal, oil,
23 natural gas, oil shale, or tar sands, or approve new
24 fossil fuel permits or infrastructure, until the Sec-
25 retary, in coordination with the Chief, develops and

1 releases, in accordance with all applicable laws, a
2 public report and action plan, as required under sec-
3 tion 4, that ensures that lifecycle greenhouse gas
4 emissions from any new fossil fuel leasing and per-
5 mitting on public lands and waters is consistent
6 with—

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

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

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

14 **SEC. 4. EMISSIONS REDUCTION STRATEGY FOR PUBLIC**
15 **LANDS AND WATERS.**

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

23 (1) covers the lifecycle greenhouse gas emis-
24 sions resulting from fossil fuels produced on public
25 lands and waters; and

1 (2) includes emission reduction goals for the in-
2 tervening years between the 2030, 2035, and 2050
3 climate targets identified in section 3.

4 (b)(1) RESUMPTION OF LEASING AND PERMIT-
5 TING.—The Secretary may hold new lease sales and issue
6 new fossil fuel permits over the following 3 years until a
7 new Emissions Reduction Strategy for Public Lands and
8 Waters is required to be published if the Secretary—

9 (A) finds substantial progress toward compli-
10 ance with the most recent Emissions Reduction
11 Strategy;

12 (B) finds that lifecycle emissions from new fos-
13 sil fuel leasing and permitting on public lands and
14 waters is consistent with achieving the climate tar-
15 gets established in section 3; and

16 (C) publishes a determination that the most
17 current Emissions Reduction Strategy will be com-
18 plied with.

19 (2) CONSISTENCY WITH EXISTING DEVELOPMENT
20 PROCEDURES.—Nothing in this section shall preempt or
21 alter other requirements for lease sales and fossil fuel per-
22 mits, including provisions under the Outer Continental
23 Shelf Lands Act, the Mineral Leasing Act, the National
24 Environmental Policy Act of 1969, and the Federal Land
25 Policy and Management Act of 1976.

1 (c) PUBLIC COMMENT PERIOD.—Not less than 4
2 months before the date of publication of the first Emis-
3 sions Reduction Strategy and each subsequent Emissions
4 Reduction Strategy, the Secretary and the Chief shall
5 jointly publish a draft of the Emissions Reduction Strat-
6 egy which shall be open for public comment for 60 days.

7 (d) CONSULTATIONS REQUIRED.—In developing each
8 Emissions Reduction Strategy, the Secretary and the
9 Chief shall consult with—

10 (1) the Director of the United States Geological
11 Survey with regard to the estimated lifecycle emis-
12 sions associated with fossil fuels produced from pub-
13 lic lands, the source of the emissions, and the carbon
14 sequestration potential of those lands;

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

17 (A) carbon management techniques in-
18 tended to minimize the environmental impacts
19 of fossil fuels; and

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

22 (3) the Chair of the Council on Environmental
23 Quality with regard to the implications for and the
24 cumulative impacts on environmental justice commu-
25 nities;

1 (4) the Administrator of the National Oceanic
2 and Atmospheric Administration with regard to
3 strategies to protect and strengthen the carbon se-
4 questration potential of ocean and coastal eco-
5 systems; and

6 (5) the Director of the United States Fish and
7 Wildlife Service and the Administrator of the Na-
8 tional Oceanic and Atmospheric Administration with
9 regard to protection of ecosystem services and the
10 survival and recovery of species listed as threatened
11 or endangered under the Endangered Species Act of
12 1973 for which climate change is a primary threat.

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

16 (1) federally recognized Indian Tribes;

17 (2) Native Hawaiians;

18 (3) Alaskan Native Tribes;

19 (4) State Governors;

20 (5) scientists and technical experts within the
21 United States Global Change Research Program and
22 other government and independent science and pol-
23 icy experts;

24 (6) Indigenous groups;

25 (7) labor unions; and

1 (8) nonprofit organizations.

2 (f) INCORPORATING INPUT FROM ENVIRONMENTAL
3 JUSTICE COMMUNITIES.—

4 (1) OUTREACH TO ENVIRONMENTAL JUSTICE
5 COMMUNITIES.—In developing each Emissions Re-
6 duction Strategy, the Secretary and the Chief shall
7 hold at least 5 public meetings in geographically di-
8 verse regions of the country experiencing an array of
9 climate change threats to gather public input and
10 provide meaningful community involvement opportu-
11 nities with respect to the implementation of and the
12 updating of the Strategy and efforts of the Depart-
13 ment of the Interior and the Forest Service to re-
14 duce greenhouse gas emissions and co-pollutant
15 emissions.

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

18 (A) to applicable representative entities or
19 organizations present in the environmental jus-
20 tice community, including—

21 (i) local religious organizations;

22 (ii) civic associations and organiza-
23 tions;

24 (iii) business associations of people of
25 color;

- 1 (iv) environmental and environmental
2 justice organizations;
- 3 (v) homeowners', tenants', and neigh-
4 borhood watch groups;
- 5 (vi) local and Tribal Governments;
- 6 (vii) rural cooperatives;
- 7 (viii) business and trade organiza-
8 tions;
- 9 (ix) community and social service or-
10 ganizations;
- 11 (x) universities, colleges, and voca-
12 tional schools;
- 13 (xi) labor organizations;
- 14 (xii) civil rights organizations;
- 15 (xiii) senior citizens' groups; and
- 16 (xiv) public health agencies and clin-
17 ics;
- 18 (B) through communication methods that
19 are accessible in the applicable environmental
20 justice community, which may include electronic
21 media, newspapers, radio, and other media par-
22 ticularly targeted at communities of color, low-
23 income communities, and Tribal and Indigenous
24 communities; and

1 (C) at least 30 days before any such meet-
2 ing.

3 (3) COMMUNICATION METHODS AND REQUIRE-
4 MENTS.—The Secretary and the Chief shall—

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

12 (B) not require members of the public to
13 produce a form of identification or register
14 their names, provide other information, com-
15 plete a questionnaire, or otherwise fulfill any
16 condition precedent to attending a meeting, but
17 if an attendance list, register, questionnaire, or
18 other similar document is utilized during meet-
19 ings, it shall state clearly that the signing, reg-
20 istering, or completion of the document is vol-
21 untary.

22 (4) REQUIRED ATTENDANCE OF CERTAIN EM-
23 PLOYEES.—In holding a public meeting under para-
24 graph (1), the Secretary shall ensure that at least 1
25 employee of the Department of the Interior at the

1 level of Assistant Secretary is present at the meeting
2 to serve as a representative of the Department of
3 the Interior.

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

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

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

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

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

23 (5) The potential for public lands and waters to
24 generate and support carbon-free energy, including
25 wind, solar, and geothermal projects.

1 (6) Costs borne by the Department of the Inte-
2 rior, the National Oceanic and Atmospheric Admin-
3 istration, and the Forest Service mitigating climate
4 change-amplified natural resource impacts on Fed-
5 eral public lands and waters, including, but not lim-
6 ited to, wildfires, droughts, floods, riverflow declines,
7 invasive species, and threatened and endangered spe-
8 cies recovery.

9 (h) PUBLICATION OF CONTENTS OF FINAL STRAT-
10 EGY ON ONLINE DASHBOARD.—The Secretary shall pub-
11 lish the contents of each final Emissions Reduction Strat-
12 egy on an online public dashboard, which shall include—

13 (1) the scientific evidence, documents, reports,
14 and materials used in the development of the Emis-
15 sions Reduction Strategy;

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

19 (3) the actions the Secretary and the Chief
20 have taken and intend to take over the next 3 years
21 to help achieve the climate change targets under sec-
22 tion 3; and

23 (4) all public comments received during the 60-
24 day comment period required by subsection (c).

1 (i) COMPLIANCE WITH THE ADMINISTRATIVE PRO-
2 CEDURE ACT.—Each Emissions Reduction Strategy shall
3 be considered a final agency action subject to the Adminis-
4 trative Procedure Act.

5 **SEC. 5. CLIMATE TEST SCREENING TOOL AND CONDITIONS.**

6 (a) IN GENERAL.—If the Secretary determines that
7 fossil fuel leasing or permitting can resume on public lands
8 and waters, pursuant to section 4(b), any such activity
9 shall first be subjected to a climate screening policy before
10 approval in order to test whether the proposal is individ-
11 ually consistent with the most recent Emissions Reduction
12 Strategy and the conditions underlying the Secretary’s de-
13 termination in that Emissions Reduction Strategy. Condi-
14 tions the Secretary must consider in a climate screening
15 tool include, at a minimum—

16 (1) whether the mass of lifecycle greenhouse
17 gas emissions associated with any proposed leasing
18 action, including lease sales and the issuance of re-
19 source management plans, is consistent with defined
20 pathways for meeting climate targets; and

21 (2) whether production pursuant to such leas-
22 ing action would remain economically viable in a
23 market that presumes that climate targets in section
24 3 will be met.

1 (b) REGULATIONS.—Not later than 180 days after of
2 the enactment of this Act, the Secretary shall adopt regu-
3 lations establishing a climate test screening tool that de-
4 scribes the process and framework for carrying out the
5 climate screening policy established in subsection (a).

6 (c) REQUIRED REJECTION CRITERIA.—The Sec-
7 retary shall reject any proposed fossil fuel leasing or per-
8 mitting action that does not satisfy the assessment set out
9 in subsection (a).

10 **SEC. 6. ONLINE PUBLICATION OF GREENHOUSE GAS EMIS-**
11 **SIONS.**

12 (a) IN GENERAL.—The Secretary shall make freely
13 available on a public website, with respect to the previous
14 year—

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

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

24 (B) for gas reported, the portion and
25 source of such amount that was released or dis-

1 posed of by each of venting, flaring, and fugi-
2 tive release; and

3 (2) information that describes the amount and
4 sources of energy, in delivered megawatt hours, pro-
5 duced from operating solar, wind, and geothermal
6 projects on public lands under lease for the produc-
7 tion of renewable energy.

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

14 (c) **DATA PUBLICATION FREQUENCY.**—The data
15 made available under this section shall be updated at least
16 annually.

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

19 (a) **IN GENERAL.**—Not later than 180 days after the
20 date of the enactment of this Act, the Secretary shall re-
21 form fossil fuel fiscal terms to—

22 (1) account for damages to the climate result-
23 ing from Federal fossil fuel production; and

1 (2) ensure that fiscal terms under the Depart-
2 ment of the Interior’s jurisdiction are consistent
3 with the most recent Emissions Reduction Strategy.

4 (b) TERMS.—Fiscal terms shall include collecting an-
5 nual, nonrefundable severance fees on fossil fuels produced
6 from new leases on public lands.

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

13 **SEC. 8. DEFINITIONS.**

14 In this Act:

15 (1) CHIEF.—The term “Chief” means the Sec-
16 retary of Agriculture, acting through the Chief of
17 the Forest Service.

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

23 (3) ENVIRONMENTAL JUSTICE COMMUNITY.—
24 The term “environmental justice community” means
25 a community with significant representation of com-

1 communities of color, low-income communities, or Tribal
2 and Indigenous communities, that experiences, or is
3 at risk of experiencing, higher or more adverse
4 human health or environmental effects.

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

8 (5) FOSSIL FUEL.—The term “fossil fuel”
9 means coal, petroleum, natural gas, tar sands, oil
10 shale, or any derivative of coal, petroleum, or nat-
11 ural gas.

12 (6) FUGITIVE RELEASE.—The term “fugitive
13 release” means the unintentional and uncontrolled
14 release of gas into the atmosphere in the course of
15 oil and gas or coal operations.

16 (7) GLOBAL WARMING POTENTIAL-WEIGHTED
17 EMISSION.—The term “Global Warming Potential-
18 weighted emission” means the ratio of the time-inte-
19 grated radiative forcing from the instantaneous re-
20 lease of 1 kilogram of a trace substance relative to
21 that of 1 kilogram of carbon dioxide, measured in
22 metric tons of carbon dioxide equivalent for each
23 greenhouse gas according to the most recent, and
24 any subsequent, decisions by the Intergovernmental

1 Panel on Climate Change regarding global warming
2 potentials.

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

5 (A) carbon dioxide;

6 (B) methane;

7 (C) nitrous oxide;

8 (D) hydrofluorocarbons;

9 (E) perfluorocarbons;

10 (F) sulfur hexafluoride; or

11 (G) any other anthropogenically emitted
12 gas that is determined by the Administrator of
13 the Environmental Protection Agency, after no-
14 tice and comment, to contribute to global warm-
15 ing to a nonnegligible degree.

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

24 (10) SECRETARY.—The term “Secretary”
25 means the Secretary of the Interior.

1 (11) EMISSIONS REDUCTION STRATEGY.—The
2 term “Emissions Reduction Strategy” means the
3 Emissions Reduction Strategy for Public Lands and
4 Waters required to be developed and published
5 under section 4.

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