

116TH CONGRESS
1ST SESSION

H. R. 5435

To require the Secretary of the Interior and the Chief of the United States Forest Service to meet certain targets for the reduction of the emission of greenhouse gases, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2019

Mr. GRIJALVA (for himself, Ms. HAALAND, Mr. LEVIN of California, Mr. SABLAN, Ms. DEGETTE, Mr. MCEACHIN, and Mr. LOWENTHAL) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and Education and Labor, 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 United States Forest Service to meet certain targets for the reduction of the emission of greenhouse gases, 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 “American Public Lands and Waters Climate Solution Act
6 of 2019”.

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 energy and climate policy.
- Sec. 3. Public lands greenhouse gas reduction targets and requirements.
- Sec. 4. Online publication of greenhouse gas emissions.
- Sec. 5. Public lands greenhouse gas reduction strategic plan.
- Sec. 6. Revenues for transition assistance.
- Sec. 7. Economic revitalization for fossil fuel dependent communities.
- Sec. 8. Office of Climate Change Mitigation and Planning.
- Sec. 9. Definitions.

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

4 It is the policy of the United States that—

5 (1) the United States should aggressively re-
 6 duce greenhouse gas emissions from United States
 7 public lands and oceans and strive to achieve net-
 8 zero emissions as soon as possible;

9 (2) public lands should be managed to reduce
 10 greenhouse gas emissions and co-pollutant emissions
 11 and to respond to unavoidable impacts of climate
 12 change through increased resilience of ecosystems
 13 and wildlife habitats in accordance with the prin-
 14 ciples of multiple use and sustained yield;

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

20 (4) energy development decisions on public
 21 lands and oceans should be guided by the goals of—

1 (A) protecting human well-being, biodiver-
2 sity, and the environment;

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

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

8 (5) environmental justice communities are more
9 vulnerable to the effects of emissions from public
10 lands and oceans and often have the least resources
11 to respond; thus, they should be meaningfully en-
12 gaged in government decision making as our Nation
13 reduces emissions from public lands and oceans and
14 builds its climate resilience against the effects of
15 those emissions.

16 **SEC. 3. PUBLIC LANDS GREENHOUSE GAS REDUCTION TAR-**
17 **GETS AND REQUIREMENTS.**

18 (a) FOSSIL FUEL LEASING PAUSE.—Notwith-
19 standing other mineral leasing laws, the Secretary shall
20 not hold new lease sales for coal, oil, or gas for one year
21 after enactment of this Act, and until the Secretary—

22 (1) certifies, in accordance with all applicable
23 laws, that additional fossil fuel leasing on public
24 lands is not inconsistent with achieving net-zero

1 greenhouse gas emissions from public lands by 2040;
2 and

3 (2) releases the first Public Lands Greenhouse
4 Gas Reduction Strategic Plan as required under sec-
5 tion 5.

6 (b) EMISSION REDUCTION TARGETS.—The Secretary
7 and the Chief shall reduce net emissions associated with
8 the extraction and end-use combustion of fossil fuels pro-
9 duced from public lands in the United States to meet the
10 following targets:

11 (1) A reduction of net emissions of not less
12 than 35 percent of the baseline identified in sub-
13 section (c) by January 1, 2025.

14 (2) A reduction of net emissions of not less
15 than 60 percent of the baseline identified in sub-
16 section (c) by January 1, 2030.

17 (3) A reduction of net emissions of not less
18 than 80 percent of the baseline identified in sub-
19 section (c) by January 1, 2035.

20 (4) Net-zero emissions by January 1, 2040.

21 (c) BASELINE INVENTORY OF PUBLIC LANDS
22 GREENHOUSE GAS EMISSIONS AND SINKS.—The Sec-
23 retary and the Chief shall use the 2014 estimate of green-
24 house gas emissions and sinks as identified by the United
25 States Geological Survey in Scientific Investigations Re-

1 port 2018–5131, “Federal Lands Greenhouse Gas Emis-
2 sions and Sequestration in the United States: Estimates
3 for 2005–14”, published on November 23, 2018, as the
4 baseline when acting to meet the targets established in
5 subsection (b).

6 (d) STUDY EXAMINING AVOIDED GREENHOUSE GAS
7 EMISSIONS AND CARBON SEQUESTRATION.—

8 (1) IN GENERAL.—Not later than 30 days after
9 the date of enactment of this Act, the Secretary
10 shall make appropriate arrangements with the Na-
11 tional Academies under which the National Acad-
12 emies shall conduct a study that examines how the
13 executive branch, including the Department of the
14 Interior, the Department of Agriculture, the United
15 States Forest Service, the National Oceanic and At-
16 mospheric Administration, and the Executive Office
17 of the President can meet the net emission reduction
18 targets under subsection (b) by—

19 (A) reducing total emissions;

20 (B) deploying renewable energy projects on
21 public lands;

22 (C) increasing carbon capture, storage, uti-
23 lization, and sequestration on public lands
24 through both nature-based and technological so-
25 lutions, except the National Academies shall not

1 consider ocean fertilization or climate engineer-
2 ing actions that involve increasing carbon stor-
3 age of ocean ecosystems through technological
4 means;

5 (D) increasing carbon storage of federally
6 managed wetlands, mangroves, tidal marshes,
7 and seagrass meadows; and

8 (E) any other technically feasible actions.

9 (2) DEADLINE.—The National Academies shall
10 complete such study not later than 18 months after
11 the date of enactment of this Act.

12 (3) RECOMMENDATIONS.—Following completion
13 of such study, the National Academies shall provide
14 recommendations for administrative actions and leg-
15 islation that can help meet the net emission reduc-
16 tion targets established under subsection (b).

17 (e) VERIFICATION.—

18 (1) REQUIREMENTS.—The Director of the
19 United States Geological Survey shall, in consulta-
20 tion with the National Academies, establish the
21 methodology for verification of the reduction in net
22 emissions.

23 (2) DETERMINATION.—By June 1 of each year
24 following a target year specified in subsection (b)—

1 (A) the Director of the United States Geo-
2 logical Survey shall determine if the Secretary
3 and the Chief have met the emission reduction
4 targets identified in subsection (b); and

5 (B) shall make such determination and
6 any data supporting such determination avail-
7 able on the public online dashboard required by
8 section 5(g).

9 (f) ENFORCEMENT.—

10 (1) NO NEW FOSSIL FUEL PERMITS OR LEASE
11 SALES.—If the Director of the United States Geo-
12 logical Survey determines that net emissions from
13 public lands have exceeded the targets in the Strat-
14 egy, the Secretary shall not approve new fossil fuel
15 permits and shall not hold new fossil fuel lease sales
16 until a certification and public notice by such Direc-
17 tor that net emissions are below the target level for
18 the most recent calendar year.

19 (2) CERTIFICATION.—The Secretary shall sub-
20 mit to the Committee on Energy and Natural Re-
21 sources in the Senate and the Committee on Natural
22 Resources in the House of Representatives a certifi-
23 cation within 30 days of each statutory deadline for
24 the required emission reductions. Notice of the cer-
25 tification shall be published in the Federal Register

1 on or before the date the certification is due to Con-
2 gress.

3 (3) JUDICIAL ENFORCEMENT.—Any interested
4 party can seek judicial review in Federal district
5 court for failure to complete the required certifi-
6 cation by the statutory deadline.

7 (g) ENVIRONMENTAL JUSTICE COMMUNITIES.—

8 (1) IN GENERAL.—When taking any action to
9 meet the emission reduction targets established in
10 subsection (b), the Secretary and the Chief shall—

11 (A) prioritize reductions of greenhouse gas
12 emissions and co-pollutants that will affect an
13 environmental justice community; and

14 (B) ensure that such action does not result
15 in a net increase of co-pollutant emissions or
16 otherwise have a disparate impact on an envi-
17 ronmental justice community.

18 (2) IDENTIFICATION OF ENVIRONMENTAL JUS-
19 TICE COMMUNITIES.—The Secretary, in consultation
20 with other relevant agencies, shall establish by regu-
21 lation criteria for identifying environmental justice
22 communities for the purposes of paragraph (1).

1 **SEC. 4. ONLINE PUBLICATION OF GREENHOUSE GAS EMIS-**
2 **SIONS.**

3 (a) IN GENERAL.—The Secretary shall make freely
4 available on a public website, with respect to the previous
5 year—

6 (1) information that describes for each fossil
7 fuel operation that is subject to the mineral leasing
8 laws or title III or V of the Federal Land Policy and
9 Management Act of 1976 (30 U.S.C. 1761 et seq.),
10 regardless of size, including production, storage,
11 gathering, processing, transportation, and handling
12 operations—

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

16 (B) for gas reported, the portion and
17 source of such amount that was released or dis-
18 posed of by each of venting, flaring, and fugi-
19 tive release; and

20 (2) information that describes the amount and
21 sources of energy, in delivered megawatt hours, pro-
22 duced from operating solar, wind, and geothermal
23 projects on public lands under lease for the produc-
24 tion of renewable energy.

25 (b) FORMAT.—Information made available under this
26 section shall be presented in a format that—

1 (1) translates such amounts and portions into
 2 emissions of metric tons of greenhouse gases ex-
 3 pressed in carbon dioxide equivalent using both the
 4 20-year and 100-year Global Warming Potential-
 5 weighted emission values;

6 (2) for energy produced from solar, wind, and
 7 geothermal projects, includes an estimate of the net
 8 emissions that would result from production of the
 9 same amount of energy from new fossil fuel-fired fa-
 10 cilities; and

11 (3) can be downloaded in a machine readable
 12 format.

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

16 **SEC. 5. PUBLIC LANDS GREENHOUSE GAS REDUCTION**
 17 **STRATEGIC PLAN.**

18 (a) REQUIREMENT TO PUBLISH GREENHOUSE GAS
 19 REDUCTION STRATEGY.—The Secretary and the Chief,
 20 working with the heads of other Federal agencies as the
 21 Secretary and Chief determine appropriate, shall jointly
 22 develop and publish once every 4 years a Public Lands
 23 Greenhouse Gas Reduction Strategy. Each Strategy shall
 24 include—

1 (1) actions designed to reduce net emissions to
2 meet the targets described in section 3(b); and

3 (2) annual net emission reduction targets for
4 intervening years.

5 (b) PUBLIC COMMENT PERIOD.—At least 6 months
6 before the date of publication of the Strategy, the Sec-
7 retary and the Chief shall jointly publish a draft Strategy
8 which shall be open for public comment for 60 days.

9 (c) UPDATES TO GREENHOUSE GAS REDUCTION
10 STRATEGY.—The Secretary and the Chief may jointly up-
11 date the Strategy at any time between 4-year periods if
12 the changes include modifications to the targets described
13 in section 3(b) that the Secretary and the Chief jointly
14 determine will result in lower net emissions compared to
15 the original such targets.

16 (d) CONSULTATIONS REQUIRED.—In developing the
17 Strategy, the Secretary and the Chief shall consult with—

18 (1) the Secretary of Energy with regard to en-
19 ergy transmission, storage, and distribution infra-
20 structure in the United States, technology deploy-
21 ment, and the renewable energy resource potential
22 on public lands;

23 (2) the Director of the United States Geological
24 Survey with regard to the estimated net emissions
25 associated with the extraction and end-use combus-

1 tion of fossil fuels produced from public lands, the
2 source of the emissions, and the carbon sequestra-
3 tion potential of those lands;

4 (3) the Administrator of the Environmental
5 Protection Agency with regard to—

6 (A) carbon capture and geologic storage;

7 and

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

10 (4) the Administrator of the National Oceanic
11 and Atmospheric Administration with regard to
12 strategies to protect and strengthen the carbon se-
13 questration potential of ocean and coastal eco-
14 systems.

15 (e) INPUT.—In developing the Strategy, the Sec-
16 retary and the Chief shall solicit the input of—

17 (1) State and local governments and federally
18 recognized Indian Tribes; and

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

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

1 (1) The recommendations proposed by the Na-
2 tional Academies pursuant to section 3(d).

3 (2) The relative resiliency of United States
4 communities, including the proportion of State budg-
5 ets directly derived from Federal energy revenues,
6 and if available, any plans to replace such lost rev-
7 enue, to the phase out of fossil fuels and the varying
8 abilities of communities to cope with any changes
9 that would be mandated by this Strategy.

10 (3) Ways to support workers in the fossil fuel
11 sector and related industries that rely on the fossil
12 fuel supply-chain for economic and job security.

13 (4) The need to stop current, prevent future,
14 and repair historic oppression of indigenous peoples,
15 communities of color, migrant communities,
16 deindustrialized communities, depopulated rural
17 communities, the poor, low-income workers, women,
18 the elderly, the unhoused, people with disabilities,
19 LGBTQ people, and youth.

20 (5) How achieving the net emission reduction
21 targets may help meet other policy priorities and
22 goals of both the Department of the Interior and
23 other departments and agencies, including increasing
24 economic competitiveness, increasing the number of
25 high-quality jobs in the United States, strengthening

1 national security, and creating a Nation resilient to
2 impacts of climate change.

3 (6) The impacts of climate change on resources
4 managed by the Department of the Interior and the
5 Forest Service, including the National Park System,
6 wildlife habitat, ocean and marine ecosystems, and
7 water supplies.

8 (7) The impacts of climate change on recreation
9 on public lands and the outdoor recreation economy.

10 (8) Impacts on United States communities
11 where fossil fuel-fired generating facilities and fossil
12 fuel processing facilities are located and are likely to
13 shutdown.

14 (9) Actions and steps that can be taken to miti-
15 gate projected unavoidable impacts of climate
16 change.

17 (10) How improvements to Federal oil and gas
18 permitting and leasing procedures may result in a
19 reduction of net emissions from public lands.

20 (11) The potential net emission reduction and
21 climate resilience benefits of reclaiming abandoned
22 mine land, plugging and properly abandoning or-
23 phaned wells, and conducting other land reclamation
24 and natural resource restoration activities.

1 (12) How the remediation and decommissioning
2 of Forest Service roads can increase the health and
3 carbon sequestration potential of ecosystems and in-
4 crease the resilience of public lands to climate
5 change.

6 (13) The co-benefits of natural carbon seques-
7 tration projects, including increases in shade, green
8 space, and healthy wetlands, and the importance of
9 prioritizing these projects in environmental justice
10 communities.

11 (g) PUBLICATION OF CONTENTS OF FINAL STRAT-
12 EGY ON ONLINE DASHBOARD.—The Secretary shall pub-
13 lish the contents of each final Strategy on an online public
14 dashboard, which shall include—

15 (1) the progress made toward meeting the
16 greenhouse gas reduction targets established in sec-
17 tion 3;

18 (2) the annual net emission reduction targets
19 identified by the Secretary and the Chief under sub-
20 section (a)(2), and any subsequent updates made to
21 such annual targets;

22 (3) the actions the Secretary and the Chief
23 have taken and intend to take to achieve the net
24 emission reduction targets;

1 (4) all public comments received during the 60-
2 day comment period required by subsection (b); and

3 (5) responses from the Secretary and the Chief
4 to all comments from State or Tribal governments
5 received during such comment period, including an
6 explanation of why any such recommendations re-
7 ceived by the Secretary were not implemented.

8 **SEC. 6. REVENUES FOR TRANSITION ASSISTANCE.**

9 (a) MINERAL LEASING REVENUE.—The Mineral
10 Leasing Act (30 U.S.C. 181 et seq.) is amended—

11 (1) in section 7, by striking “12 ½” and insert-
12 ing “18.75”;

13 (2) in section 17—

14 (A) by striking “12.5” each place such
15 term appears and inserting “18.75”; and

16 (B) by striking “12 ½” each place such
17 term appears and inserting “18.75”;

18 (3) in section 31(e), by striking “16²/₃” each
19 place such term appears and inserting “25”;

20 (4) in section 17, by striking “Lease sales shall
21 be held for each State where eligible lands are avail-
22 able at least quarterly and more frequently if the
23 Secretary of the Interior determines such sales are
24 necessary.”; and

25 (5) in section 35—

1 (A) by striking “All” and inserting “(1)
2 All”; and

3 (B) by adding at the end the following:

4 “(2) Notwithstanding paragraph (1), any funds
5 collected as a result of the amendments made by
6 section 6(a) of the American Public Lands and
7 Waters Climate Solution Act of 2019 shall be dis-
8 tributed consistent with the manner provided in sec-
9 tion 6(d) of such Act.”.

10 (b) CONSERVATION OF RESOURCES FEES.—There is
11 established a Conservation of Resources Fee of \$4 per
12 acre per year on producing Federal onshore and offshore
13 oil and gas leases.

14 (c) SPECULATIVE LEASING FEE.—There is estab-
15 lished a Speculative Leasing Fee of \$6 per acre per year
16 for Federal oil and gas nonproducing leases on and off-
17 shore.

18 (d) DEPOSIT.—

19 (1) All funds collected pursuant to subsections
20 (b) and (c) shall be deposited in the Federal Energy
21 Transition Economic Development Assistance Fund
22 established in section 7.

23 (2) Fifty percent of funds collected as a result
24 of the amendments made by this section shall be de-
25 posited in the Federal Energy Transition Economic

1 Development Assistance Fund established in section
2 7.

3 (3) Fifty percent of funds collected as a result
4 of the amendments made by this section shall be re-
5 turned to the States where production occurred.

6 (e) ADJUSTMENT FOR INFLATION.—The Secretary
7 shall, by regulation at least once every four years, adjust
8 each fee created by this section to reflect any change in
9 the Consumer Price Index (all items, United States city
10 average) as prepared by the Department of Labor.

11 **SEC. 7. ECONOMIC REVITALIZATION FOR FOSSIL FUEL DE-**
12 **PENDENT COMMUNITIES.**

13 (a) ESTABLISHMENT OF FEDERAL ENERGY TRANSI-
14 TION ECONOMIC DEVELOPMENT ASSISTANCE FUND.—
15 There is established in the Treasury of the United States
16 a fund, to be known as the “Federal Energy Transition
17 Economic Development Assistance Fund”. Such fund con-
18 sists of amounts deposited under section 6.

19 (b) DISTRIBUTION OF FUNDS.—Of the amounts de-
20 posited into the Fund—

21 (1) 35 percent shall be distributed by the Sec-
22 retary to States in which extraction of fossil fuels
23 occurs on public lands, based on a formula reflecting
24 existing production and extraction in each such
25 State;

1 (2) 35 percent shall be distributed by the Sec-
2 retary to States based on a formula reflecting the
3 quantity of fossil fuels historically produced and ex-
4 tracted in each such State on public lands before the
5 date of enactment of this Act; and

6 (3) 30 percent shall be allocated to a competi-
7 tive grant program pursuant to subsection (d).

8 (c) USE OF FUNDS.—

9 (1) IN GENERAL.—Funds distributed by the
10 Secretary to States under paragraphs (1) and (2) of
11 subsection (b) may be used for—

12 (A) environmental remediation of lands
13 and waters impacted by fossil fuel extraction
14 and mining;

15 (B) building partnerships to attract and
16 invest in the economic future of historically fos-
17 sil fuel dependent communities;

18 (C) increasing capacity and other technical
19 assistance fostering long-term economic growth
20 and opportunity in historically fossil fuel de-
21 pendent communities;

22 (D) guaranteeing pensions and retirement
23 security and providing a bridge of wage support
24 until a displaced worker either finds new em-
25 ployment or reaches retirement;

1 (E) severance payments for displaced
2 workers; or

3 (F) carbon sequestration projects in nat-
4 ural systems on public lands and private agri-
5 cultural lands.

6 (d) COMPETITIVE GRANT PROGRAM.—The Secretary
7 shall establish a competitive grant program to provide
8 funds to eligible entities for the purposes described in
9 paragraph (2).

10 (1) ELIGIBLE ENTITIES.—Local, State, and
11 Tribal governments, development districts (as such
12 term is defined in section 382E of the Consolidated
13 Farm and Rural Development Act (7 U.S.C.
14 2009aa–4)), nonprofits, labor unions, and institu-
15 tions of higher education (as such term is defined in
16 section 101 of the Higher Education Act of 1965
17 (20 U.S.C. 1001)).

18 (2) ELIGIBLE USE OF FUNDS.—The Secretary
19 may award grants from amounts in the Fund for the
20 purposes listed in subsection (c) and for—

21 (A) existing job retraining and apprentice-
22 ship programs for impacted workers or for pro-
23 grams designed to promote economic develop-
24 ment in communities affected by a downturn in
25 fossil fuel extraction and mining;

1 (B) developing projects that diversify local
2 and regional economies, create jobs in new or
3 existing non-fossil fuel industries, attract new
4 sources of job-creating investment, and provide
5 a range of workforce services and skills train-
6 ing; and

7 (C) the development and support of a clean
8 energy—

9 (i) certificate program at a labor or-
10 ganization; or

11 (ii) a major or minor program at an
12 institution of higher education, as such
13 term is defined in section 101 of the High-
14 er Education Act of 1965 (20 U.S.C.
15 1001).

16 (3) PRIORITY TO DISPLACED WORKERS.—In
17 awarding grants under this subsection, the Secretary
18 shall place a priority on assisting displaced workers
19 in the fossil fuel mining and extraction industries.

20 (e) JUST TRANSITION ADVISORY COMMITTEE.—

21 (1) ESTABLISHMENT.—Not later than 180 days
22 after the date of the enactment of this Act, the Sec-
23 retary shall establish an advisory committee to be
24 known as the “Just Transition Advisory Com-
25 mittee”.

1 (2) CHAIR.—The Director of the Office of Cli-
2 mate Change Mitigation and Planning, established
3 in section 8, shall Chair the Advisory Committee.

4 (3) DUTIES.—The Advisory Committee shall—

5 (A) advise, assist, and support the Sec-
6 retary in the management and allocation of
7 funds available under subsection (b) and in the
8 establishment and administration of the Com-
9 petitive Grant Program under subsection (d);
10 and

11 (B) develop procedures to ensure that
12 States and applicants eligible to participate in
13 the competitive grant program established pur-
14 suant to subsection (d) are notified of avail-
15 ability of Federal funds pursuant to this Act.

16 (4) MEMBERSHIP.—The total membership of
17 the Advisory Committee shall not exceed 24 mem-
18 bers and the Advisory Committee shall be composed
19 of the following members appointed by the Director
20 of the Office of Climate Change Mitigation and
21 Planning:

22 (A) A representative of the Assistant Sec-
23 retary of Commerce for Economic Development.

24 (B) A representative of the Secretary of
25 Labor.

1 (C) A representative of the Under Sec-
2 retary for Rural Development.

3 (D) Two individuals with professional eco-
4 nomic development or workforce retraining ex-
5 perience.

6 (E) An equal number of representatives
7 from each of the following:

8 (i) Labor unions.

9 (ii) Nonprofit environmental organiza-
10 tions.

11 (iii) Environmental justice organiza-
12 tions.

13 (iv) Fossil fuel transition commu-
14 nities.

15 (v) Public interest groups.

16 (vi) Indian Tribes.

17 (5) TERMINATION.—The Just Transition Advi-
18 sory Committee shall not terminate except by an Act
19 of Congress.

20 (f) LIMITATION ON USE OF FUNDS.—

21 (1) ADMINISTRATIVE COSTS.—Not more than 7
22 percent of the amounts in the Fund may be used for
23 administrative costs incurred in implementing this
24 Act.

1 (2) LIMITATION ON FUNDS TO A SINGLE ENTI-
2 TY.—Not more than 5 percent of the amounts in the
3 Fund may be awarded to a single eligible entity.

4 (3) CALENDAR YEAR LIMITATION.—At least 15
5 percent of the amount in the Fund must be spent
6 in each calendar year.

7 (g) WAGE RATE REQUIREMENTS.—The Secretary
8 shall require each recipient of funds under this section to
9 meet the prevailing wage requirements under chapter IV
10 of chapter 31 of part A of subtitle II of title 40, United
11 States Code (commonly referred to as the “Davis-Bacon
12 Act”), with respect to any laborer or mechanic employed
13 using such funds, including those employed by contractors
14 or subcontractors.

15 (h) USE OF AMERICAN IRON, STEEL, AND MANUFAC-
16 TURED GOODS.—None of the funds appropriated or other-
17 wise made available by this Act may be used for a project
18 for the construction, alteration, maintenance, or repair of
19 a public building or public work unless all of the iron,
20 steel, and manufactured goods used in the project are pro-
21 duced in the United States unless such manufactured good
22 is not produced in the United States.

23 (i) SUBMISSION TO CONGRESS.—The Secretary shall
24 submit to the Committees on Appropriations and Energy
25 and Natural Resources of the Senate and to the Commit-

tees on Appropriations and Natural Resources in the House of Representatives, with the annual budget submission of the President, a list of projects, including a description of each project, that received funding under this section in the previous calendar year.

SEC. 8. OFFICE OF CLIMATE CHANGE MITIGATION AND PLANNING.

(a) ESTABLISHMENT OF OFFICE OF CLIMATE CHANGE MITIGATION AND PLANNING.—The Secretary shall establish an Office of Climate Change Mitigation and Planning (referred to in this section as the “Office”), which shall oversee implementation of this Act. The Office shall be under the direction of the Director of Climate Change Mitigation and Planning (referred to in this section as the “Director”) who shall report directly to the Secretary.

(b) DIRECTOR OF CLIMATE CHANGE MITIGATION AND PLANNING.—

(1) APPOINTMENT.—The Director shall be appointed by the President to administer the provisions of this Act.

(2) COMPENSATION.—The Director shall be paid at a rate determined by the Secretary to be appropriate for the position, but not less than the rate

1 provided for Level V of the Executive Schedule
2 under section 5316 of title 5, United States Code.

3 (c) FUNCTIONS.—The duties of the Office are to im-
4 plement this Act and to—

5 (1) oversee the tracking of all greenhouse gas
6 emission sources and sinks on public lands;

7 (2) coordinate across the Federal Government
8 to ensure the net emission targets are met; and

9 (3) oversee and manage the distribution of
10 funds as required by section 7.

11 (d) STAFF AND CONSULTANTS.—

12 (1) STAFF.—The Director may employ such
13 staff as the Director determines appropriate. The
14 Director may request staff assistance from within
15 the Department of the Interior and any office or Bu-
16 reau thereof as the Director deems necessary.

17 (2) CONTRACTS.—To the extent and in such
18 amounts as may be provided in advance by appro-
19 priations Acts, the Director may enter into contracts
20 and other arrangements with public agencies and
21 with private persons and organizations for con-
22 sulting services and make such payments as nec-
23 essary to carry out the provisions of this section.

24 **SEC. 9. DEFINITIONS.**

25 In this Act:

1 (1) ADVISORY COMMITTEE.—The term “Advi-
2 sory Committee” means the Just Transition Advi-
3 sory Committee established by section 7.

4 (2) CHIEF.—The term “Chief” means the Sec-
5 retary of Agriculture acting through the Chief of the
6 United States Forest Service.

7 (3) CO-POLLUTANT.—The term “co-pollutant”
8 means air pollutants, as defined by the Environ-
9 mental Protection Agency, including volatile organic
10 compounds and hazardous air pollutants that may
11 be commingled and coemitted with greenhouse gases.

12 (4) ENVIRONMENTAL JUSTICE COMMUNITY.—
13 The term “environmental justice community” means
14 a geographically distinct community with significant
15 representation of communities of color, low-income
16 communities, or Tribal and indigenous communities
17 that experience or are at risk of experiencing signifi-
18 cantly higher and more adverse human health or en-
19 vironmental effects.

20 (5) DISPARATE IMPACT.—The term “disparate
21 impact” means an impact that, though appearing
22 neutral, actually has the effect of subjecting persons
23 to discrimination because of their race, color, or na-
24 tional origin.

1 (6) DISPLACED WORKER.—The term “displaced
2 worker” means an individual who, due to efforts to
3 reduce net emissions from public lands or as a result
4 of a downturn in fossil fuel mining, extraction, or
5 production, has suffered a reduction in employment
6 or economic opportunities.

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

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

14 (9) FOSSIL FUEL TRANSITION COMMUNITIES.—
15 The term “fossil fuel transition communities” means
16 communities in which the economic contribution of
17 fossil fuel mining, extraction, or production-related
18 activity on public lands has significantly declined or
19 that have historically relied on fossil fuel mining, ex-
20 traction, or production-related activity on public
21 lands for a substantial portion of its economy.

22 (10) FUGITIVE RELEASE.—The term “fugitive
23 release” means the unintentional and uncontrolled
24 release of gas into the atmosphere in the course of
25 oil and gas or coal operations.

1 (11) FUND.—The term “Fund” means the
2 Federal Energy Transition Economic Development
3 Assistance Fund.

4 (12) GLOBAL WARMING POTENTIAL-WEIGHTED
5 EMISSION.—The term “Global Warming Potential-
6 weighted emission” means the ratio of the time-inte-
7 grated radiative forcing from the instantaneous re-
8 lease of 1 kilogram of a trace substance relative to
9 that of 1 kilogram of carbon dioxide, measured in
10 metric tons of carbon dioxide equivalent for each
11 greenhouse gas according to the most recent, and
12 any subsequent, decisions by the Intergovernmental
13 Panel on Climate Change regarding global warming
14 potentials.

15 (13) GREENHOUSE GAS.—The term “green-
16 house gas” means—

17 (A) carbon dioxide;

18 (B) methane;

19 (C) nitrous oxide;

20 (D) hydrofluorocarbons;

21 (E) perfluorocarbons;

22 (F) sulfur hexafluoride; or

23 (G) any other anthropogenically emitted
24 gas that is determined by the Administrator of
25 the Environmental Protection Agency, after no-

1 tice and comment, to contribute to global warm-
2 ing to a non-negligible degree.

3 (14) LGBTQ.—The term “LGBTQ” means
4 lesbian, gay, bisexual, transgender, and queer or
5 questioning.

6 (15) MULTIPLE USE.—The term “multiple use”
7 has the same meaning given such term in section
8 103 of the Federal Land and Policy Management
9 Act of 1976 (43 U.S.C. 1702).

10 (16) NATIONAL ACADEMIES.—The term “Na-
11 tional Academies” means the National Academies of
12 Sciences, Engineering, and Medicine.

13 (17) NET BIOME PRODUCTIVITY.—The term
14 “net biome productivity” means the absolute change
15 in carbon stored within terrestrial ecosystems on an
16 annual basis. The net biome productivity is deter-
17 mined by subtracting terrestrial ecosystem carbon
18 losses associated with land use and land-use change
19 and disturbance from the net ecosystem productivity
20 as described in United States Geological Survey Sci-
21 entific Investigations Report 2018–5131.

22 (18) NET EMISSIONS.—The term “net emis-
23 sions” means the total greenhouse gas emissions as-
24 sociated with the extraction and end-use combustion
25 of fossil fuels produced from United States public

1 lands in a year as measured by the United States
2 Geological Survey and reduced in the same year
3 by—

4 (A) the total avoided emissions from gen-
5 eration of renewable energy on public lands as
6 determined by using the Environmental Protec-
7 tion Agency’s AVOIDED EMISSIONS and geneRa-
8 tion Tool, or a similar Environmental Protec-
9 tion Agency calculation for the national average
10 of carbon dioxide equivalent associated with
11 United States electricity generation as of Janu-
12 ary 1, 2020;

13 (B) the net biome productivity of public
14 lands at the end of each target year;

15 (C) the total amount of new geologically
16 sequestered carbon on public lands in each tar-
17 get year; and

18 (D) other carbon captured by negative
19 emissions technologies and sequestered, as de-
20 termined by the Secretary and Chief in each
21 target year.

22 (19) NONPRODUCING LEASE.—The term “non-
23 producing lease” means any lease where oil or nat-
24 ural gas is produced for less than 90 days in a cal-
25 endar year.

1 (20) PUBLIC LAND.—The term “public land”
2 means any land and interest in land owned by the
3 United States within the several States and adminis-
4 tered by the Secretary or the Chief, without regard
5 to how the United States acquired ownership, in-
6 cluding lands located on the Outer Continental Shelf
7 but excluding lands held in trust for an Indian or
8 Indian Tribe.

9 (21) SECRETARY.—The term “Secretary”
10 means the Secretary of the Interior, unless the con-
11 text requires otherwise.

12 (22) STRATEGY.—The term “Strategy” means
13 the Federal Greenhouse Gas Reduction Strategy re-
14 quired to be developed and published under section
15 3.

16 (23) SUSTAINED YIELD.—The term “sustained
17 yield” has the same meaning given such term in sec-
18 tion 103 of the Federal Land and Policy Manage-
19 ment Act of 1976 (43 U.S.C. 1702).

20 (24) VENTING.—The term “venting” means the
21 intentional and controlled release of gas into the at-
22 mosphere in the course of oil, gas, or coal oper-
23 ations.

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