

116TH CONGRESS
1ST SESSION

S. 2906

To prohibit the Secretary of the Interior from issuing new oil or natural gas production leases in the Gulf of Mexico under the Outer Continental Shelf Lands Act to a person that does not renegotiate its existing leases in order to require royalty payments if oil and natural gas prices are greater than or equal to specified price thresholds, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2019

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To prohibit the Secretary of the Interior from issuing new oil or natural gas production leases in the Gulf of Mexico under the Outer Continental Shelf Lands Act to a person that does not renegotiate its existing leases in order to require royalty payments if oil and natural gas prices are greater than or equal to specified price thresholds, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Stop Giving Big Oil
3 Free Money Act”.

4 **SEC. 2. ELIGIBILITY FOR NEW LEASES AND THE TRANSFER**
5 **OF LEASES.**

6 (a) DEFINITIONS.—In this section:

7 (1) COVERED LEASE.—The term “covered
8 lease” means a lease for oil or gas production in the
9 Gulf of Mexico that is—

10 (A) in existence on the date of enactment
11 of this Act;

12 (B) issued by the Secretary under section
13 304 of the Outer Continental Shelf Deep Water
14 Royalty Relief Act (43 U.S.C. 1337 note; Pub-
15 lic Law 104–58); and

16 (C) not subject to limitations on royalty re-
17 lief based on market price that are equal to or
18 less than the price thresholds described in
19 clauses (v) through (vii) of section 8(a)(3)(C) of
20 the Outer Continental Shelf Lands Act (43
21 U.S.C. 1337(a)(3)(C)).

22 (2) LESSEE.—The term “lessee” includes any
23 person or other entity that controls, is controlled by,
24 or is in or under common control with, a lessee.

25 (3) SECRETARY.—The term “Secretary” means
26 the Secretary of the Interior.

1 (b) ISSUANCE OF NEW LEASES.—

2 (1) IN GENERAL.—The Secretary shall not
3 issue any new lease that authorizes the production
4 of oil or natural gas under the Outer Continental
5 Shelf Lands Act (43 U.S.C. 1331 et seq.) to a per-
6 son described in paragraph (2) unless the person has
7 renegotiated each covered lease with respect to which
8 the person is a lessee, to modify the payment re-
9 sponsibilities of the person to require the payment of
10 royalties if the price of oil and natural gas is greater
11 than or equal to the price thresholds described in
12 clauses (v) through (vii) of section 8(a)(3)(C) of the
13 Outer Continental Shelf Lands Act (43 U.S.C.
14 1337(a)(3)(C)).

15 (2) PERSONS DESCRIBED.—A person referred
16 to in paragraph (1) is—

17 (A) a lessee that—

18 (i) holds a covered lease on the date
19 on which the Secretary considers the
20 issuance of the new lease; or

21 (ii) was issued a covered lease before
22 the date of enactment of this Act, but
23 transferred the covered lease to another
24 person or entity (including a subsidiary or

1 affiliate of the lessee) after the date of en-
 2 actment of this Act; or

3 (B) any other person that has any direct
 4 or indirect interest in, or that derives any ben-
 5 efit from, a covered lease.

6 (3) MULTIPLE LESSEES.—

7 (A) IN GENERAL.—For purposes of para-
 8 graph (1), if there are multiple lessees that own
 9 a share of a covered lease, the Secretary may
 10 implement separate agreements with any lessee
 11 with a share of the covered lease that modifies
 12 the payment responsibilities with respect to the
 13 share of the lessee to include price thresholds
 14 that are equal to or less than the price thresh-
 15 olds described in clauses (v) through (vii) of
 16 section 8(a)(3)(C) of the Outer Continental
 17 Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

18 (B) TREATMENT OF SHARE AS COVERED
 19 LEASE.—Beginning on the effective date of an
 20 agreement under subparagraph (A), any share
 21 subject to the agreement shall not constitute a
 22 covered lease with respect to any lessees that
 23 entered into the agreement.

24 (c) TRANSFERS.—A lessee or any other person who
 25 has any direct or indirect interest in, or who derives a

1 benefit from, a lease shall not be eligible to obtain by sale
2 or other transfer (including through a swap, spinoff, serv-
3 icing, or other agreement) any covered lease, the economic
4 benefit of any covered lease, or any other lease for the
5 production of oil or natural gas in the Gulf of Mexico
6 under the Outer Continental Shelf Lands Act (43 U.S.C.
7 1331 et seq.), unless the lessee or other person—

8 (1) has renegotiated each covered lease with re-
9 spect to which the lessee or person is a lessee, to
10 modify the payment responsibilities of the lessee or
11 person to include price thresholds that are equal to
12 or less than the price thresholds described in clauses
13 (v) through (vii) of section 8(a)(3)(C) of the Outer
14 Continental Shelf Lands Act (43 U.S.C.
15 1337(a)(3)(C)); or

16 (2) has entered into an agreement with the Sec-
17 retary to modify the terms of all covered leases of
18 the lessee or other person to include limitations on
19 royalty relief based on market prices that are equal
20 to or less than the price thresholds described in
21 clauses (v) through (vii) of section 8(a)(3)(C) of the
22 Outer Continental Shelf Lands Act (43 U.S.C.
23 1337(a)(3)(C)).

1 **SEC. 3. PRICE THRESHOLDS FOR ROYALTY SUSPENSION**
2 **PROVISIONS.**

3 (a) IN GENERAL.—The Secretary of the Interior shall
4 agree to a request by any lessee to amend any lease issued
5 for any Central and Western Gulf of Mexico tract during
6 the period of January 1, 1996, through November 28,
7 2000, to incorporate price thresholds applicable to royalty
8 suspension provisions, that are equal to or less than the
9 price thresholds described in clauses (v) through (vii) of
10 section 8(a)(3)(C) of the Outer Continental Shelf Lands
11 Act (43 U.S.C. 1337(a)(3)(C)).

12 (b) NEW OR REVISED PRICE THRESHOLDS.—An
13 amended lease under subsection (a) shall impose the new
14 or revised price thresholds effective on October 1, 2020.

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