

116TH CONGRESS
2D SESSION

S. 3611

To amend the Mineral Leasing Act and the Outer Continental Shelf Lands Act to limit the authority of the Secretary of the Interior to reduce certain royalties, to amend the CARES Act to limit the provision of assistance to certain businesses, to impose a moratorium on certain oil and natural gas lease sales, the issuance of coal leases, and modifications to certain regulations, to extend certain public comment periods, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 5, 2020

Mr. MERKLEY (for himself, Mr. SANDERS, Mr. MARKEY, Mr. WYDEN, Ms. HARRIS, Mr. BOOKER, Mrs. GILLIBRAND, Mr. BLUMENTHAL, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Mineral Leasing Act and the Outer Continental Shelf Lands Act to limit the authority of the Secretary of the Interior to reduce certain royalties, to amend the CARES Act to limit the provision of assistance to certain businesses, to impose a moratorium on certain oil and natural gas lease sales, the issuance of coal leases, and modifications to certain regulations, to extend certain public comment periods, 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.**

4 This Act may be cited as the “Resources for Work-
 5 force Investments, Not Drilling Act” or the “ReWIND
 6 Act”.

7 **SEC. 2. LIMITATION ON CERTAIN FORMS OF ASSISTANCE**
 8 **UNDER THE CARES ACT.**

9 (a) EXCLUSION OF CERTAIN BUSINESSES FROM FI-
 10 NANCIAL ASSISTANCE.—

11 (1) DEFINITION OF ELIGIBLE BUSINESS.—Sec-
 12 tion 4002(4)(B) of the CARES Act (Public Law
 13 116–136; 134 Stat. 281) is amended by inserting
 14 “(other than a United States business for which not
 15 less than 15 percent of the revenue is derived from
 16 the extraction, transport, storage, export, or refining
 17 of oil, natural gas, and coal)” after “United States
 18 business”.

19 (2) LOANS AND LOAN GUARANTEES FOR BUSI-
 20 NESSES CRITICAL TO MAINTAINING NATIONAL SECU-
 21 RITY.—Section 4003(b)(3) of the CARES Act (Pub-
 22 lic Law 116–136; 134 Stat. 281) is amended by in-
 23 serting “(other than a United States business for
 24 which not less than 15 percent of the revenue is de-
 25 rived from the extraction, transport, storage, export,

1 or refining of oil, natural gas, and coal)” after “na-
 2 tional security”.

3 (b) LIMITATION ON ACQUISITION OF FEDERAL
 4 LEASES BY LOAN RECIPIENTS.—Section 4003(c)(1) of
 5 the CARES Act (Public Law 116–136; 134 Stat. 281) is
 6 amended by adding at the end the following:

7 “(C) LIMITATION ON ACQUISITION OF
 8 FEDERAL LEASES BY LOAN RECIPIENTS.—An
 9 eligible business that receives a loan or loan
 10 guarantee under this section may not bid on,
 11 purchase, or acquire any Federal lease or ac-
 12 quire a Federal lease from a third party until
 13 the date on which the Secretary certifies that
 14 any loans received or guaranteed under this sec-
 15 tion have been repaid.”.

16 (c) LIMITATION ON LOANS AND LOAN GUARANTEES
 17 TO CERTAIN FINANCIAL INSTITUTIONS.—Section 4003 of
 18 the CARES Act (Public Law 116–136; 134 Stat. 281) is
 19 amended by adding at the end the following:

20 “(i) LIMITATION ON LOANS AND LOAN GUARANTEES
 21 TO CERTAIN FINANCIAL INSTITUTIONS.—The Secretary
 22 shall not make a loan or loan guarantee to, or other invest-
 23 ment in, a financial institution under this section for the
 24 purpose of assisting any business for which not less than
 25 15 percent of the revenue is derived from the extraction,

1 transport, storage, export, or refining of oil, natural gas,
 2 and coal.”.

3 **SEC. 3. LIMITATIONS ON BANKS OPERATING FOSSIL FUEL**
 4 **COMPANIES.**

5 (a) DEFINITIONS.—In this section:

6 (1) CARES ACT.—The term “CARES Act”
 7 means the Coronavirus Aid, Relief, and Economic
 8 Security Act (Public Law 116–136).

9 (2) COVERED ENTITY.—The term “covered en-
 10 tity” means—

11 (A) a solvent insured depository institution
 12 or solvent depository institution holding com-
 13 pany (including any affiliate thereof) that issues
 14 debt that is guaranteed under the program au-
 15 thorized by subsection (h) of section 1105 of
 16 the Dodd-Frank Wall Street Reform and Con-
 17 sumer Protection Act, as added by section 4008
 18 of the CARES Act;

19 (B) any entity issuing loans or extensions
 20 of credit described in section 5200(c)(7) of the
 21 Revised Statutes, as amended by section 4011
 22 of the CARES Act;

23 (C) any bank sponsoring a money market
 24 mutual fund that benefits from a guarantee as

1 a result of the application of section 4015(a) of
2 the CARES Act;

3 (D) a qualifying community bank that is
4 subject to interim rule issued under section
5 4012(b)(1) of the CARES Act; and

6 (E) an insured depository institution, bank
7 holding company, or any affiliate thereof that
8 does not comply with the current expected cred-
9 it losses methodology for estimating allowances
10 for credit losses described in section 4014(b) of
11 the CARES Act.

12 (3) COVERED PERIOD.—The term “covered pe-
13 riod” means the period beginning on the date of en-
14 actment of this Act and ending on the date that is
15 2 years after—

16 (A) with respect to a covered entity de-
17 scribed in subparagraph (A) of paragraph (2),
18 the date on which the program described in
19 that subparagraph terminates;

20 (B) with respect to a covered entity de-
21 scribed in subparagraph (B) of paragraph (2),
22 the date on which the period described in sec-
23 tion 4011(b) of the CARES Act expires;

24 (C) with respect to a covered entity de-
25 scribed in subparagraph (C) of paragraph (2),

1 the date on which the guarantee described in
 2 that subparagraph terminates;

3 (D) with respect to a covered entity de-
 4 scribed in subparagraph (D) of paragraph (2),
 5 the date on which the period described in sec-
 6 tion 4012(b)(2) of the CARES Act expires; and

7 (E) with respect to a covered entity de-
 8 scribed in subparagraph (E) of paragraph (2),
 9 the date on which the period described in sec-
 10 tion 4014(b) of the CARES Act expires.

11 (b) PROHIBITION.—During the covered period, no
 12 covered entity, or subsidiary or affiliate of a covered enti-
 13 ty, may take a new equity stake or otherwise own or oper-
 14 ate, or sponsor or retain an ownership interest in any fund
 15 that takes an ownership stake in during the covered pe-
 16 riod, any business for which 15 percent or more of the
 17 revenue is derived from the extraction, transport, storage,
 18 export, and refining of oil, natural gas, and coal.

19 **SEC. 4. MORATORIUM ON OIL AND NATURAL GAS LEASE**
 20 **SALES, NONCOMPETITIVE LEASES FOR OIL**
 21 **OR NATURAL GAS, THE ISSUANCE OF COAL**
 22 **LEASES, AND MODIFICATIONS TO CERTAIN**
 23 **REGULATIONS.**

24 Notwithstanding any other provision of law, during
 25 the period beginning on the date of enactment of this Act

1 and ending on the termination date of the national emer-
 2 gency declared by the President under the National Emer-
 3 gencies Act (50 U.S.C. 1601 et seq.) with respect to the
 4 Coronavirus Disease 2019 (COVID-19), the Secretary of
 5 the Interior shall not—

6 (1) conduct any lease sales for oil or natural
 7 gas;

8 (2) issue any noncompetitive leases for oil or
 9 natural gas;

10 (3) issue any coal leases; or

11 (4) modify any regulations relating to oil, nat-
 12 ural gas, or coal.

13 **SEC. 5. STRATEGIC PETROLEUM RESERVE.**

14 (a) MAXIMUM STORAGE CAPACITY.—

15 (1) IN GENERAL.—Section 154(a) of the En-
 16 ergy Policy and Conservation Act (42 U.S.C.
 17 6234(a)) is amended by striking “1 billion barrels”
 18 and inserting “714,500,000 barrels”.

19 (2) CONFORMING AMENDMENTS.—

20 (A) Section 301(e) of the Energy Policy
 21 Act of 2005 (42 U.S.C. 6240 note; Public Law
 22 109–58) is amended by striking paragraph (1).

23 (B) Section 159 of the Energy Policy and
 24 Conservation Act (42 U.S.C. 6239) is amended
 25 by striking subsection (j).

1 (b) DEVELOPMENT, OPERATION, AND MAINTENANCE
 2 OF RESERVE.—Section 159 of the Energy Policy and Con-
 3 servation Act (42 U.S.C. 6239) (as amended by subsection
 4 (a)(2)(B)) is amended—

5 (1) by redesignating subsections (f), (g), (k),
 6 and (l) as subsections (a), (b), (c), and (d), respec-
 7 tively; and

8 (2) by inserting after subsection (d) (as so re-
 9 designated) the following:

10 “(e) PROHIBITION OF STORAGE OF PETROLEUM
 11 PRODUCTS NOT OWNED BY THE UNITED STATES.—The
 12 Secretary may not store in a storage or related facility
 13 of the Strategic Petroleum Reserve owned by or leased to
 14 the United States any petroleum products that are not
 15 owned by the United States.”.

16 (c) REPEAL OF ROYALTY-IN-KIND PROVISION.—
 17 Title I of The Department of the Interior, Environment,
 18 and Related Agencies Appropriations Act, 2006 (Public
 19 Law 109–54; 119 Stat. 512), is amended in the matter
 20 under the heading “ROYALTY AND OFFSHORE MINERALS
 21 MANAGEMENT” under the heading “MINERALS MANAGE-
 22 MENT SERVICE” under the heading “DEPARTMENT OF
 23 THE INTERIOR” by striking the fifth proviso (30
 24 U.S.C. 1758).

1 **SEC. 6. LIMITATION ON AVAILABILITY OF FUNDS UNDER**
 2 **THE DEFENSE PRODUCTION ACT OF 1950.**

3 A fossil fuel company shall not be eligible for finan-
 4 cial assistance made available in connection with the na-
 5 tional emergency declared by the President under the Na-
 6 tional Emergencies Act (50 U.S.C. 1601 et seq.) with re-
 7 spect to the Coronavirus Disease 2019 (COVID–19) under
 8 title III of the Defense Production Act of 1950 (50 U.S.C.
 9 4531 et seq.), including through a loan guarantee, loan,
 10 direct investment, or price guarantee under that title.

11 **SEC. 7. REPEAL OF ROYALTY RELIEF PROVISIONS.**

12 (a) ROYALTY RELIEF UNDER THE MINERAL LEAS-
 13 ING ACT.—

14 (1) REPEAL.—Section 39 of the Mineral Leas-
 15 ing Act (30 U.S.C. 209) is repealed.

16 (2) CONFORMING AMENDMENTS.—

17 (A) Section 8721(b) of title 10, United
 18 States Code, is amended by striking “202-209”
 19 and inserting “202-208”.

20 (B) Section 8735(a) of title 10, United
 21 States Code, is amended by striking “202-209”
 22 and inserting “202-208”.

23 (C) Section 31(h) of the Mineral Leasing
 24 Act (30 U.S.C. 188(h)) is amended by striking
 25 “and the provisions of section 39 of this Act”.

1 (b) ROYALTY RELIEF FOR DEEPWATER PRODUC-
 2 TION.—Section 345 of the Energy Policy Act of 2005 (42
 3 U.S.C. 15905) is repealed.

4 **SEC. 8. LIMITATION ON THE AUTHORITY OF THE SEC-**
 5 **RETARY TO REDUCE OR ELIMINATE CERTAIN**
 6 **ROYALTIES AND NET PROFIT SHARES UNDER**
 7 **THE OUTER CONTINENTAL SHELF LANDS**
 8 **ACT.**

9 Section 8(a) of the Outer Continental Shelf Lands
 10 Act (43 U.S.C. 1337(a)) is amended by striking para-
 11 graph (3) and inserting the following:

12 “(3) LIMITATION ON AUTHORITY OF SEC-
 13 RETARY TO REDUCE OR ELIMINATE CERTAIN ROYAL-
 14 TIES OR NET PROFIT SHARES.—Notwithstanding
 15 any other provision of this Act, the Secretary may
 16 not reduce or eliminate any royalty or net profit
 17 share established under a lease.”.

18 **SEC. 9. EXTENSION OF PUBLIC COMMENT PERIODS AND**
 19 **SUSPENSION OF RULEMAKING.**

20 (a) EXTENSION OF PUBLIC COMMENT PERIODS.—
 21 Notwithstanding any other provision of law, the heads of
 22 Federal agencies shall keep open any public comment pe-
 23 riod that was open as of March 13, 2020, during the pe-
 24 riod beginning on the date of enactment of this Act and
 25 ending on a date, as designated by the head of the applica-

1 ble Federal agency, that is not earlier than 30 days after
2 the date on which the National Emergency declared by
3 the President under the National Emergencies Act (50
4 U.S.C. 1601 et seq.) with respect to the Coronavirus Dis-
5 ease 2019 (COVID–19) is terminated.

6 (b) SUSPENSION OF RULEMAKING.—Notwith-
7 standing any other provision of law, unless the head of
8 a Federal agency determines that a rulemaking is specifi-
9 cally required to respond to, or recover from, the
10 Coronavirus Disease 2019 (COVID–19) pandemic, the
11 head of a Federal agency shall not initiate any new admin-
12 istrative rulemaking during the period beginning on the
13 date of enactment of this Act and ending on a date, as
14 designated by the head of the applicable Federal agency,
15 that is not earlier than the date 30 days after the date
16 on which the National Emergency declared by the Presi-
17 dent under the National Emergencies Act (50 U.S.C.
18 1601 et seq.) with respect to the Coronavirus Disease
19 2019 (COVID–19) is terminated.

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