

AMENDMENT NO. _____ Calendar No. _____

Purpose: To promote the development of renewable energy on public land.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

S. 2262

To promote energy savings in residential buildings and industry, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1 At the end of title IV, add the following:

2 **Subtitle F—Public Land Renewable**
3 **Energy Development**

4 **SEC. 451. SHORT TITLE.**

5 This subtitle may be cited as the “Public Land Re-
6 newable Energy Development Act of 2014”.

7 **PART I—GEOTHERMAL ENERGY**

8 **SEC. 461. EXTENSION OF FUNDING FOR IMPLEMENTATION**
9 **OF GEOTHERMAL STEAM ACT OF 1970.**

10 (a) IN GENERAL.—Section 234(a) of the Energy Pol-
11 icy Act of 2005 (42 U.S.C. 15873(a)) is amended by strik-
12 ing “in the first 5 fiscal years beginning after the date

1 of enactment of this Act” and inserting “through fiscal
2 year 2020”.

3 (b) AUTHORIZATION.—Section 234(b) of the Energy
4 Policy Act of 2005 (42 U.S.C. 15873(b)) is amended—

5 (1) by striking “Amounts” and inserting the
6 following:

7 “(1) IN GENERAL.—Amounts”; and

8 (2) by adding at the end the following:

9 “(2) AUTHORIZATION.—Effective for fiscal year
10 2015 and each fiscal year thereafter, amounts de-
11 posited under subsection (a) shall be available to the
12 Secretary of the Interior for expenditure, subject to
13 appropriation and without fiscal year limitation, to
14 implement the Geothermal Steam Act of 1970 (30
15 U.S.C. 1001 et seq.) and this Act.”.

16 **PART II—DEVELOPMENT OF SOLAR AND WIND**
17 **ENERGY ON PUBLIC LAND**

18 **SEC. 471. DEFINITIONS.**

19 In this part:

20 (1) COVERED LAND.—The term “covered land”
21 means land that is—

22 (A)(i) public land administered by the Sec-
23 retary; or

24 (ii) National Forest System land adminis-
25 tered by the Secretary of Agriculture; and

1 (B) not excluded from the development of
2 solar or wind energy under—

3 (i) a land use plan established under
4 the Federal Land Policy and Management
5 Act of 1976 (43 U.S.C. 1701 et seq.);

6 (ii) a land use plan established under
7 the National Forest Management Act of
8 1976 (16 U.S.C. 1600 et seq.); or

9 (iii) other law.

10 (2) PILOT PROGRAM.—The term “pilot pro-
11 gram” means the wind and solar leasing pilot pro-
12 gram established under section 473(a).

13 (3) PUBLIC LAND.—The term “public land”
14 has the meaning given the term “public lands” in
15 section 103 of the Federal Land Policy and Manage-
16 ment Act of 1976 (43 U.S.C. 1702).

17 (4) SECRETARIES.—The term “Secretaries”
18 means—

19 (A) in the case of public land administered
20 by the Secretary, the Secretary; and

21 (B) in the case of National Forest System
22 land administered by the Secretary of Agri-
23 culture, the Secretary of Agriculture.

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

1 **SEC. 472. PROGRAMMATIC ENVIRONMENTAL IMPACT**
2 **STATEMENTS AND LAND USE PLANNING.**

3 (a) NATIONAL FOREST SYSTEM LAND.—As soon as
4 practicable but not later than 2 years after the date of
5 enactment of this Act, the Secretary of Agriculture shall—

6 (1) prepare and publish in the Federal Register
7 a notice of intent to prepare a programmatic envi-
8 ronmental impact statement in accordance with the
9 National Environmental Policy Act of 1969 (42
10 U.S.C. 4321 et seq.) to analyze the potential im-
11 pacts of—

12 (A) a program to develop solar and wind
13 energy on National Forest System land admin-
14 istered by the Secretary of Agriculture; and

15 (B) any necessary amendments to land use
16 plans for the land; and

17 (2) amend any land use plans as appropriate to
18 provide for the development of renewable energy in
19 areas considered appropriate by the Secretary of Ag-
20 riculture immediately on completion of the pro-
21 grammatic environmental impact statement.

22 (b) EFFECT ON PROCESSING APPLICATIONS.—The
23 requirement for completion of programmatic environ-
24 mental impact statements under this section shall not re-
25 sult in any delay in processing or approving applications

1 for wind or solar development on National Forest System
2 land.

3 (c) MILITARY INSTALLATIONS.—

4 (1) REPORT.—Not later than 2 years after the
5 date of enactment of this Act, the Secretary of De-
6 fense, in consultation with the Secretary of the Inte-
7 rior, shall conduct a study, and prepare a report, for
8 States that have not completed the analysis that—

9 (A) identifies locations on land withdrawn
10 from the public domain and reserved for mili-
11 tary purposes that—

12 (i) exhibit a high potential for solar,
13 wind, geothermal, or other renewable en-
14 ergy production;

15 (ii) are disturbed or otherwise have
16 comparatively low value for other re-
17 sources; and

18 (iii) could be developed for renewable
19 energy production in a manner consistent
20 with all present and reasonably foreseeable
21 military training and operational missions
22 and research, development, testing, and
23 evaluation requirements; and

24 (B) describes the administration of public
25 land withdrawn for military purposes for the

1 development of commercial-scale renewable en-
2 ergy projects, including the legal authorities
3 governing authorization for that use.

4 (2) ENVIRONMENTAL IMPACT ANALYSIS.—Not
5 later than 1 year after the completion of the study
6 required by paragraph (1), the Secretary of Defense,
7 in consultation with the Secretary of the Interior,
8 shall prepare and publish in the Federal Register a
9 notice of intent to prepare an environmental impact
10 analysis document to support a program to develop
11 renewable energy on withdrawn military land identi-
12 fied in the study as suitable for the production.

13 (3) REPORTS.—On completion of the report,
14 the Secretary and the Secretary of Defense shall
15 jointly submit the report required by paragraph (1)
16 to—

17 (A) the Committee on Armed Services of
18 the Senate;

19 (B) the Committee on Energy and Natural
20 Resources of the Senate;

21 (C) the Committee on Armed Services of
22 the House of Representatives; and

23 (D) the Committee on Natural Resources
24 of the House of Representatives.

1 **SEC. 473. DEVELOPMENT OF SOLAR AND WIND ENERGY ON**
2 **PUBLIC LAND.**

3 (a) PILOT PROGRAM.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of enactment of this Act, the Sec-
6 retary shall establish a wind and solar leasing pilot
7 program on covered land administered by the Sec-
8 retary.

9 (2) SELECTION OF SITES.—

10 (A) IN GENERAL.—Not later than 90 days
11 after the date the pilot program is established
12 under this subsection, the Secretary shall (tak-
13 ing into consideration the multiple resource val-
14 ues of the land) select 2 sites that are appro-
15 priate for the development of a solar energy
16 project, and 2 sites that are appropriate for the
17 development of a wind energy project, on cov-
18 ered land administered by the Secretary as part
19 of the pilot program.

20 (B) SITE SELECTION.—In carrying out
21 subparagraph (A), the Secretary shall seek to
22 select sites—

23 (i) for which there is likely to be a
24 high level of industry interest;

25 (ii) that have a comparatively low
26 value for other resources; and

1 (iii) that are representative of sites on
2 which solar or wind energy is likely to be
3 developed on covered land.

4 (C) INELIGIBLE SITES.—The Secretary
5 shall not select as part of the pilot program any
6 site for which a notice of intent has been
7 issued.

8 (3) QUALIFICATIONS.—Prior to any lease sale,
9 the Secretary shall establish qualifications for bid-
10 ders that ensure bidders—

11 (A) are able to expeditiously develop a
12 wind or solar energy project on the site for
13 lease;

14 (B) possess—

15 (i) financial resources necessary to
16 complete a project;

17 (ii) knowledge of the applicable tech-
18 nology; and

19 (iii) such other qualifications as are
20 determined appropriate by the Secretary;
21 and

22 (C) meet the eligibility requirements for
23 leasing under the first section of the Mineral
24 Leasing Act (30 U.S.C. 181).

25 (4) LEASE SALES.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (D)(ii), not later than 180 days
3 after the date sites are selected under para-
4 graph (2), the Secretary shall offer each site for
5 competitive leasing to qualified bidders under
6 such terms and conditions as are required by
7 the Secretary.

8 (B) BIDDING SYSTEMS.—

9 (i) IN GENERAL.—In offering the sites
10 for lease, the Secretary may vary the bid-
11 ding systems to be used at each lease sale,
12 to ensure a fair return to the public, in-
13 cluding—

14 (I) cash bonus bids with a re-
15 quirement for payment of the royalty
16 established under this subtitle;

17 (II) variable royalty bids based
18 on a percentage of the gross proceeds
19 from the sale of electricity produced
20 from the lease, except that the royalty
21 shall not be less than the royalty re-
22 quired under this subtitle, together
23 with a fixed cash bonus; and

24 (III) such other bidding system
25 as ensures a fair return to the public

1 consistent with the royalty established
2 under this subtitle.

3 (ii) ROUND.—The Secretary shall
4 limit bidding to 1 round in any lease sale.

5 (iii) EXPENDITURES.—In any case in
6 which the land that is subject to lease has
7 1 or more pending applications for the de-
8 velopment of wind or solar energy at the
9 time of the lease sale, the Secretary shall
10 give credit toward any bid submitted by
11 the applicant for expenditures of the appli-
12 cant considered by the Secretary to be
13 qualified and necessary for the preparation
14 of the application.

15 (C) REVENUES.—Bonus bids, royalties,
16 rentals, fees, or other payments collected by the
17 Secretary under this section shall be subject to
18 section 474.

19 (D) LEASE TERMS.—

20 (i) IN GENERAL.—As part of the pilot
21 program, the Secretary may vary the
22 length of the lease terms and establish
23 such other lease terms and conditions as
24 the Secretary considers appropriate.

1 (ii) DATA COLLECTION.—As part of
2 the pilot program, the Secretary shall—

3 (I) offer on a noncompetitive
4 basis on at least 1 site a short-term
5 lease for data collection; and

6 (II) on the expiration of the
7 short-term lease, offer on a competi-
8 tive basis a long-term lease, giving
9 credit toward the bonus bid to the
10 holder of the short-term lease for any
11 qualified expenditures to collect data
12 to develop the site during the short-
13 term lease.

14 (5) COMPLIANCE WITH LAWS.—In offering for
15 lease the selected sites under paragraph (4), the Sec-
16 retary shall comply with all applicable environmental
17 and other laws.

18 (6) REPORT.—The Secretary shall—

19 (A) compile a report of the results of each
20 lease sale under the pilot program, including—

21 (i) the level of competitive interest;

22 (ii) a summary of bids and revenues
23 received; and

24 (iii) any other factors that may have
25 impacted the lease sale process; and

1 (B) not later than 90 days after the final
2 lease sale, submit to the Committee on Energy
3 and Natural Resources of the Senate and the
4 Committee on Natural Resources of the House
5 of Representatives the report described in sub-
6 paragraph (A).

7 (7) RIGHTS-OF-WAY.—During the pendency of
8 the pilot program, the Secretary shall continue to
9 issue rights-of-way, in compliance with authority in
10 effect on the date of enactment of this Act, for avail-
11 able sites not selected for the pilot program.

12 (b) SECRETARIAL DETERMINATION.—

13 (1) IN GENERAL.—Not later than 2 years after
14 the date of enactment of this Act, the Secretaries
15 shall make a joint determination on whether to es-
16 tablish a leasing program under this section for wind
17 or solar energy, or both, on all covered land.

18 (2) SYSTEM.—If the Secretaries determine that
19 a leasing program should be established, the pro-
20 gram shall apply to all covered land in accordance
21 with this subtitle and other provisions of law appli-
22 cable to public land or National Forest System land.

23 (3) ESTABLISHMENT.—The Secretaries shall
24 establish a leasing program unless the Secretaries
25 determine that the program—

1 (A) is not in the public interest; and

2 (B) does not provide an effective means of
3 developing wind or solar energy.

4 (4) CONSULTATION.—In making the determina-
5 tions required under this subsection, the Secretaries
6 shall consult with—

7 (A) the heads of other relevant Federal
8 agencies;

9 (B) interested States, Indian tribes, and
10 local governments;

11 (C) representatives of the solar and wind
12 industries;

13 (D) representatives of the environment,
14 conservation, and outdoor sporting commu-
15 nities;

16 (E) other users of the covered land; and

17 (F) the public.

18 (5) CONSIDERATIONS.—In making the deter-
19 minations required under this subsection, the Secre-
20 taries shall consider the results of the pilot program.

21 (6) REGULATIONS.—Not later than 1 year after
22 the date on which any determination is made to es-
23 tablish a leasing program, the Secretaries shall joint-
24 ly promulgate final regulations to implement the
25 program.

1 (7) REPORT.—If the Secretaries determine that
2 a leasing program should not be established, not
3 later than 60 days after the date of the determina-
4 tion, the Secretaries shall jointly submit to the Com-
5 mittee on Energy and Natural Resources of the Sen-
6 ate and the Committee on Natural Resources of the
7 House of Representatives a report describing the
8 basis and findings for the determination.

9 (c) TRANSITION.—

10 (1) IN GENERAL.—If the Secretaries determine
11 under subsection (b) that a leasing program should
12 be established for covered land, until the program is
13 established and final regulations for the program are
14 issued—

15 (A) the Secretary shall continue to accept
16 applications for rights-of-way on covered land,
17 and provide for the issuance of rights-of-way on
18 covered land within the jurisdiction of the Sec-
19 retary for the development of wind or solar en-
20 ergy pursuant to each requirement described in
21 title V of the Federal Land Policy and Manage-
22 ment Act of 1976 (43 U.S.C. 1761 et seq.) and
23 other applicable law; and

24 (B) the Secretary of Agriculture shall con-
25 tinue to accept applications for authorizations,

1 and provide for the issuance of the authoriza-
2 tions, for the development of wind or solar en-
3 ergy on covered land within the jurisdiction of
4 the Secretary pursuant to applicable law.

5 (2) EXISTING RIGHTS-OF-WAY AND AUTHORIZA-
6 TIONS.—

7 (A) IN GENERAL.—Effective beginning on
8 the date on which the wind or solar leasing pro-
9 grams are established and final regulations are
10 issued, the Secretaries shall not renew an exist-
11 ing right-of-way or other authorization for wind
12 or solar energy development at the end of the
13 term of the right-of-way or authorization.

14 (B) LEASE.—

15 (i) IN GENERAL.—Subject to clause
16 (ii), at the end of the term of the right-of-
17 way or other authorization for the wind or
18 solar energy project, the Secretary or, in
19 the case of National Forest System land,
20 the Secretary of Agriculture, shall grant,
21 without a competitive process, a lease to
22 the holder of the right-of-way or other au-
23 thorization for the same covered land as
24 was authorized under the right-of-way or

1 other authorization if (as determined by
2 the Secretary concerned)—

3 (I) the holder of the right-of-way
4 or other authorization has met the re-
5 quirements of diligent development;
6 and

7 (II) issuance of the lease is in the
8 public interest and consistent with ap-
9 plicable law.

10 (ii) TERMS AND CONDITIONS.—Any
11 lease described in clause (i) shall be sub-
12 ject to—

13 (I) terms and conditions that are
14 consistent with this subtitle and the
15 regulations issued under this subtitle;
16 and

17 (II) the regulations in effect on
18 the date of renewal and any other
19 terms and conditions that the Sec-
20 retary considers necessary to protect
21 the public interest.

22 (3) PENDING RIGHTS-OF-WAY.—Effective begin-
23 ning on the date on which the wind or solar leasing
24 programs are established and final regulations for
25 the programs are issued, the Secretary or, with re-

1 spect to National Forest System land, the Secretary
2 of Agriculture shall provide any applicant that has
3 filed a plan of development for a right-of-way or, in
4 the case of National Forest System land, for an ap-
5 plicable authorization, for a wind or solar energy
6 project with an option to acquire a lease on a non-
7 competitive basis, under such terms and conditions
8 as are required by this subtitle, applicable regula-
9 tions, and the Secretary concerned, for the same
10 covered land included in the plan of development
11 if—

12 (A) the plan of development has been de-
13 termined by the Secretary concerned to be ade-
14 quate for the initiation of environmental review;

15 (B) granting the lease is consistent with all
16 applicable land use planning, environmental,
17 and other laws;

18 (C) the applicant has made a good faith ef-
19 fort to obtain a right-of-way or, in the case of
20 National Forest System land, other authoriza-
21 tion, for the project; and

22 (D) issuance of the lease is in the public
23 interest.

24 (d) LEASING PROGRAM.—If the Secretaries deter-
25 mine under subsection (b) that a leasing program should

1 be established, the program shall be established in accord-
2 ance with subsections (e) through (k).

3 (e) COMPETITIVE LEASES.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), leases for wind or solar energy develop-
6 ment under this section shall be issued on a competi-
7 tive basis with a single round of bidding in any lease
8 sale.

9 (2) EXCEPTIONS.—Paragraph (1) shall not
10 apply if the Secretary or, with respect to National
11 Forest System land, the Secretary of Agriculture de-
12 termines that—

13 (A) no competitive interest exists for the
14 covered land;

15 (B) the public interest would not be served
16 by the competitive issuance of a lease;

17 (C) the lease is for the placement and op-
18 eration of a meteorological or data collection fa-
19 cility or for the development or demonstration
20 of a new wind or solar technology and has a
21 term of not more than 5 years; or

22 (D) the covered land is eligible to be grant-
23 ed a noncompetitive lease under subsection (c).

24 (f) PAYMENTS.—

1 (1) IN GENERAL.—The Secretaries shall jointly
2 establish—

3 (A) fees, rentals, bonuses, or other pay-
4 ments to ensure a fair return to the United
5 States for any lease issued under this section;
6 and

7 (B) royalties pursuant to section 475 that
8 apply to all leases issued under this section.

9 (2) BONUS BIDS.—The Secretaries may grant
10 credit toward any bonus bid for a qualified expendi-
11 ture by the holder of a lease described in subsection
12 (e)(2)(C) in any competitive lease sale held for a
13 long-term lease covering the same land covered by
14 the lease described in subsection (e)(2)(C).

15 (g) QUALIFICATIONS.—Prior to any lease sale, the
16 Secretary shall establish qualifications for bidders that en-
17 sure bidders meet the requirements described in sub-
18 section (a)(3).

19 (h) REQUIREMENTS.—The Secretaries shall ensure
20 that any activity under a leasing program is carried out
21 in a manner that—

22 (1) is consistent with all applicable land use
23 planning, environmental, and other laws; and

24 (2) provides for—

25 (A) safety;

1 (B) protection of the environment and fish
2 and wildlife habitat;

3 (C) mitigation of impacts;

4 (D) prevention of waste;

5 (E) diligent development of the resource,
6 with specific milestones to be met by the lessee
7 as determined by the Secretaries;

8 (F) coordination with applicable Federal
9 agencies;

10 (G) a fair return to the United States for
11 any lease;

12 (H) use of best management practices, in-
13 cluding planning and practices for mitigation of
14 impacts;

15 (I) public notice and comment on any pro-
16 posal submitted for a lease under this section;

17 (J) oversight, inspection, research, moni-
18 toring, and enforcement relating to a lease
19 under this section;

20 (K) the quantity of acreage to be commen-
21 surate with the size of the project covered by a
22 lease; and

23 (L) efficient use of water resources.

24 (i) LEASE DURATION, SUSPENSION, AND CANCELLA-
25 TION.—

1 (1) DURATION.—A lease under this section
2 shall be for—

3 (A) an initial term of 25 years; and

4 (B) any additional period after the initial
5 term during which electricity is being produced
6 annually in commercial quantities from the
7 lease.

8 (2) ADMINISTRATION.—The Secretary shall es-
9 tablish terms and conditions for the issuance, trans-
10 fer, renewal, suspension, and cancellation of a lease
11 under this section.

12 (3) READJUSTMENT.—

13 (A) IN GENERAL.—Royalties, rentals, and
14 other terms and conditions of a lease under this
15 section shall be subject to readjustment—

16 (i) on the date that is 15 years after
17 the date on which the lease is issued; and

18 (ii) every 10 years thereafter.

19 (B) LEASE.—Each lease issued under this
20 subtitle shall provide for readjustment in ac-
21 cordance with subparagraph (A).

22 (j) SURFACE-DISTURBING ACTIVITIES.—The Secre-
23 taries shall—

1 (1) regulate all surface-disturbing activities con-
2 ducted pursuant to any lease issued under this sec-
3 tion; and

4 (2) require any necessary reclamation and other
5 actions under the lease as are required in the inter-
6 est of conservation of surface resources.

7 (k) SECURITY.—The Secretaries shall require the
8 holder of a lease issued under this section—

9 (1) to furnish a surety bond or other form of
10 security, as prescribed by the Secretaries;

11 (2) to provide for the reclamation and restora-
12 tion of the area covered by the lease; and

13 (3) to comply with such other requirements as
14 the Secretaries consider necessary to protect the in-
15 terests of the public and the United States.

16 (l) PERIODIC REVIEW.—Not less frequently than
17 once every 5 years, the Secretary shall conduct a review
18 of the adequacy of the surety bond or other form of secu-
19 rity provided by the holder of a lease issued under this
20 section.

21 **SEC. 474. DISPOSITION OF REVENUES.**

22 (a) DISPOSITION OF REVENUES.—Of the amounts
23 collected as bonus bids, royalties, rentals, fees, or other
24 payments under a right-of-way, permit, lease, or other au-

1 thORIZATION for the development of wind or solar energy
2 on covered land—

3 (1) 25 percent shall be paid by the Secretary of
4 the Treasury to the State within the boundaries of
5 which the income is derived;

6 (2) 25 percent shall be paid by the Secretary of
7 the Treasury to the 1 or more counties within the
8 boundaries of which the income is derived;

9 (3) 15 percent shall—

10 (A) for the period beginning on the date of
11 enactment of this Act and ending on date the
12 date that is 15 years after the date of enact-
13 ment of this Act, be deposited in the Treasury
14 of the United States to help facilitate the proc-
15 essing of renewable energy permits by the Bu-
16 reau of Land Management, including the trans-
17 fer of the funds by the Bureau of Land Man-
18 agement to other Federal agencies and State
19 agencies to facilitate the processing of renew-
20 able energy permits on Federal land; and

21 (B) beginning on the date that is 15 years
22 after the date of enactment of this Act, be de-
23 posited in the Fund; and

1 (4) 35 percent shall be deposited in the Renew-
2 able Energy Resource Conservation Fund estab-
3 lished by subsection (c).

4 (b) PAYMENTS TO STATES AND COUNTIES.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), amounts paid to States and counties
7 under subsection (a) shall be used consistent with
8 section 35 of the Mineral Leasing Act (30 U.S.C.
9 191).

10 (2) IMPACTS ON FEDERAL LAND.—Not less
11 than 33 percent of the amount paid to a State shall
12 be used on an annual basis for the purposes de-
13 scribed in subsection (c)(2)(A).

14 (c) RENEWABLE ENERGY RESOURCE CONSERVATION
15 FUND.—

16 (1) IN GENERAL.—There is established in the
17 Treasury a fund, to be known as the “Renewable
18 Energy Resource Conservation Fund”, to be admin-
19 istered by the Secretary for use in regions impacted
20 by the development of wind or solar energy.

21 (2) USE.—

22 (A) IN GENERAL.—Amounts in the Fund
23 shall be available to the Secretary, who may
24 make amounts available to the Secretary of Ag-

1 riculture and to other Federal or State agen-
2 cies, as appropriate, for the purposes of—

3 (i) addressing and offsetting the im-
4 pacts of wind or solar development on Fed-
5 eral land, including restoring and pro-
6 tecting—

7 (I) fish and wildlife habitat for
8 affected species;

9 (II) fish and wildlife corridors for
10 affected species; and

11 (III) water resources in areas im-
12 pacted by wind or solar energy devel-
13 opment;

14 (ii) securing recreational access to
15 Federal land through an easement, right-
16 of-way, or fee title acquisition from willing
17 sellers for the purpose of providing en-
18 hanced public access to existing Federal
19 land that is inaccessible or significantly re-
20 stricted; and

21 (iii) carrying out activities authorized
22 under the Land and Water Conservation
23 Fund Act of 1965 (16 U.S.C. 460l–4 et
24 seq.) in the State.

1 (B) ADVISORY BOARD.—The Secretary
2 shall establish an independent advisory board
3 composed of key stakeholders and technical ex-
4 perts to provide recommendations and guidance
5 on the disposition of any amounts expended
6 from the Fund.

7 (3) MITIGATION REQUIREMENTS.—The expend-
8 iture of funds under this subsection shall be in addi-
9 tion to any mitigation requirements imposed pursu-
10 ant to any law, regulation, or term or condition of
11 any lease, right-of-way, or other authorization.

12 (4) INVESTMENT OF FUND.—

13 (A) IN GENERAL.—Any amounts deposited
14 in the Fund shall earn interest in an amount
15 determined by the Secretary of the Treasury on
16 the basis of the current average market yield on
17 outstanding marketable obligations of the
18 United States of comparable maturities.

19 (B) USE.—Any interest earned under sub-
20 paragraph (A) may be expended in accordance
21 with this subsection.

22 **SEC. 475. ROYALTIES.**

23 (a) IN GENERAL.—The Secretaries shall require as
24 a term and condition of any lease, right-of-way, permit,
25 or other authorization for the development of wind or solar

1 energy on covered land the payment of a royalty estab-
2 lished by the Secretaries pursuant to a joint rulemaking
3 that shall be a percentage of the gross proceeds from the
4 sale of electricity at a rate that—

5 (1) encourages production of solar or wind en-
6 ergy;

7 (2) ensures a fair return to the public com-
8 parable to the return that would be obtained on
9 State and private land; and

10 (3) encourages the maximum energy generation
11 while disturbing the least quantity of covered land
12 and other natural resources, including water.

13 (b) AMOUNT.—The royalty on electricity produced
14 using wind or solar resources shall be—

15 (1) not less than 1 percent, and not more than
16 2.5 percent, of the gross proceeds from the sale of
17 electricity produced from the resources during the
18 first 10 years of production; and

19 (2) not less than 2 percent, and not more than
20 5 percent, of the gross proceeds from the sale of
21 electricity produced from the resources during each
22 year after that initial 10-year period.

23 (c) DIFFERENT ROYALTY RATES.—The Secretaries
24 may establish—

1 (1) a different royalty rate for wind or solar en-
2 ergy generation; and

3 (2) a reduced royalty rate for projects located
4 within a zone identified for development of solar or
5 wind energy.

6 (d) ROYALTY IN LIEU OF RENT.—During the period
7 of production, a royalty shall be collected in lieu of any
8 rent for the land from which the electricity is produced.

9 (e) ROYALTY RELIEF.—To promote the generation of
10 renewable energy, the Secretaries may reduce any royalty
11 otherwise required on a showing by clear and convincing
12 evidence by the person holding a lease, right-of-way, per-
13 mit, or other authorization for the development of wind
14 or solar energy on covered land under which the genera-
15 tion of energy is or will be produced in commercial quan-
16 tities that—

17 (1) collection of the full royalty would unreason-
18 ably burden energy generation; and

19 (2) the royalty reduction is in the public inter-
20 est.

21 (f) PERIODIC REVIEW AND REPORT.—

22 (1) IN GENERAL.—Not later than 5 years after
23 the date of enactment of this Act and every 5 years
24 thereafter, the Secretary, in consultation with the
25 Secretary of Agriculture, shall—

1 (A) complete a review of collections and
2 impacts of the royalty and fees provided under
3 this subtitle; and

4 (B) submit to the Committee on Energy
5 and Natural Resources of the Senate and the
6 Committee on Natural Resources of the House
7 of Representatives a report describing the re-
8 sults of the review.

9 (2) TOPICS.—The report shall address—

10 (A) the total revenues received (by cat-
11 egory) on an annual basis as royalties from
12 wind, solar, and geothermal development and
13 production (specified by energy source) on cov-
14 ered land;

15 (B) whether the revenues received for the
16 development of wind, solar, and geothermal de-
17 velopment are comparable to the revenues re-
18 ceived for similar development on State and pri-
19 vate land;

20 (C) any impact on the development of
21 wind, solar, and geothermal development and
22 production on covered land as a result of the
23 royalties; and

24 (D) any recommendations with respect to
25 changes in Federal law (including regulations)

1 relating to the amount or method of collection
2 (including auditing, compliance, and enforce-
3 ment) of the royalties.

4 (g) REGULATIONS.—Not later than 1 year after the
5 date of enactment of this Act, the Secretaries shall jointly
6 issue final regulations to carry out this section.

7 **SEC. 476. ENFORCEMENT OF ROYALTY AND PAYMENT PRO-**
8 **VISIONS.**

9 (a) DUTIES OF THE SECRETARY.—The Secretary
10 shall establish a comprehensive inspection, collection, fis-
11 cal, and production accounting and auditing system—

12 (1) to accurately determine royalties, rentals,
13 interest, fines, penalties, fees, deposits, and other
14 payments owed under this subtitle; and

15 (2) to collect and account for the payments in
16 a timely manner.

17 (b) APPLICABILITY OF OTHER LAW.—The Federal
18 Oil and Gas Royalty Management Act of 1982 (30 U.S.C.
19 1701 et seq.) (including the civil and criminal enforcement
20 provisions of that Act) shall apply to leases, permits,
21 rights-of-way, or other authorizations issued for the devel-
22 opment of solar or wind energy on covered land and the
23 holders and operators of the leases, permits, rights-of-way,
24 or other authorizations (and designees) under this title,
25 except that in applying that Act—

1 (1) “wind or solar leases, permits, rights-of-
2 way, or other authorizations” shall be substituted
3 for “oil and gas leases”;

4 (2) “electricity generated from wind or solar re-
5 sources” shall be substituted for “oil and gas”
6 (when used as nouns);

7 (3) “lease, permit, right-of-way, or other au-
8 thorization for the development of wind or solar en-
9 ergy” shall be substituted for “lease” and “lease for
10 oil and gas” (when used as nouns); and

11 (4) “lessee, permittee, right-of-way holder, or
12 holder of an authorization for the development of
13 wind or solar energy” shall be substituted for “les-
14 see”.

15 **SEC. 477. ENFORCEMENT.**

16 (a) IN GENERAL.—Sections 302(c) and 303 of the
17 Federal Land Policy and Management Act of 1976 (43
18 U.S.C. 1732(c), 1733) shall apply to activities conducted
19 on covered land under this title.

20 (b) APPLICABILITY OF OTHER ENFORCEMENT PRO-
21 VISIONS.—Nothing in this title reduces or limits the en-
22 forcement authority vested in the Secretary or the Attor-
23 ney General by any other law.

1 **SEC. 478. SEGREGATION FROM APPROPRIATION UNDER**
2 **MINING AND FEDERAL LAND LAWS.**

3 (a) **IN GENERAL.**—On covered land identified by the
4 Secretary or the Secretary of Agriculture for the develop-
5 ment of solar or wind power under this title or other appli-
6 cable law, the Secretary or the Secretary of Agriculture
7 may temporarily segregate the identified land from appro-
8 priation under the mining and public land laws.

9 (b) **ADMINISTRATION.**—Segregation of covered land
10 under this section—

11 (1) may only be made for a period not to exceed
12 10 years; and

13 (2) shall be subject to valid existing rights as
14 of the date of the segregation.

15 **SEC. 479. REPORT.**

16 (a) **STUDY.**—

17 (1) **IN GENERAL.**—Not later than 180 days
18 after the date of enactment of this Act, the Secre-
19 taries shall carry out a study on the siting, develop-
20 ment, and management of projects to determine the
21 feasibility of carrying out a conservation banking
22 program on land administered by the Secretaries.

23 (2) **CONTENTS.**—The study under paragraph

24 (1) shall—

25 (A) identify areas in which—

1 (i) privately owned land is not avail-
2 able to offset the impacts of solar or wind
3 energy development on federally adminis-
4 tered land; or

5 (ii) mitigation investments on feder-
6 ally administered land are likely to provide
7 greater conservation value for impacts of
8 solar or wind energy development on feder-
9 ally administered land; and

10 (B) examine—

11 (i) the effectiveness of laws (including
12 regulations) and policies in effect on the
13 date of enactment of this Act in facili-
14 tating the development of conservation
15 banks;

16 (ii) the advantages and disadvantages
17 of using conservation banks on Federal
18 land to mitigate impacts to natural re-
19 sources on private land; and

20 (iii) any changes in Federal law (in-
21 cluding regulations) or policy necessary to
22 further develop a Federal conservation
23 banking program.

24 (b) REPORT TO CONGRESS.—Not later than 18
25 months after the date of enactment of this Act, the Secre-

1 taries shall jointly submit to Congress a report that in-
2 cludes—

3 (1) the recommendations of the Secretaries re-
4 lating to—

5 (A) the most effective system for Federal
6 land described in subsection (a)(2)(A) to meet
7 the goals of facilitating the development of a
8 conservation banking program on Federal land;
9 and

10 (B) any change to Federal law (including
11 regulations) or policy necessary to address more
12 effectively the siting, development, and manage-
13 ment of conservation banking programs on Fed-
14 eral land to mitigate impacts to natural re-
15 sources on private land; and

16 (2) any administrative action to be taken by the
17 Secretaries in response to the recommendations.

18 (c) AVAILABILITY TO THE PUBLIC.—Not later than
19 30 days after the date on which the report described in
20 subsection (b) is submitted to Congress, the Secretaries
21 shall make the results of the study available to the public.

22 **SEC. 480. APPLICABILITY OF LAW.**

23 (a) RENTAL FEE EXEMPTION.—Wind or solar gen-
24 eration projects with a capacity of 20 megawatts or more
25 that are issued a lease, right-of-way, permit, or other au-

1 thORIZATION under applicable law shall not be subject to
2 the rental fee exemption for rights-of-way under section
3 504(g) of the Federal Land Policy and Management Act
4 of 1976 (43 U.S.C. 1764(g)).

5 (b) FEES, CHARGES, AND COMMISSIONS.—Section
6 304 of the Federal Land Policy and Management Act of
7 1976 (43 U.S.C. 1734) shall apply to an application made
8 under section 473.