

AMENDMENT TO THE COMMITTEE PRINT
OFFERED BY MR. GOSAR OF ARIZONA

Page 117, after line 22, insert the following:

1 **SEC. 70808. PUBLIC LAND RENEWABLE ENERGY DEVELOP-**
2 **MENT .**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Public Land Renewable Energy Development Act of
5 2021”.

6 (b) **DEFINITIONS.**—In this section:

7 (1) **COVERED LAND.**—The term “covered land”
8 means land that is—

9 (A) Federal lands administered by the Sec-
10 retary; and

11 (B) not excluded from the development of
12 geothermal, solar, or wind energy under—

13 (i) a land use plan; or

14 (ii) other Federal law.

15 (2) **EXCLUSION AREA.**—The term “exclusion
16 area” means covered land that is identified by the
17 Bureau of Land Management as not suitable for de-
18 velopment of renewable energy projects.

19 (3) **FEDERAL LAND.**—The term “Federal land”
20 means—

1 (A) public lands; and

2 (B) lands of the National Forest System
3 as described in section 11(a) of the Forest and
4 Rangeland Renewable Resources Planning Act
5 of 1974 (16 U.S.C. 1609(a)).

6 (4) FUND.—The term “Fund” means the Re-
7 newable Energy Resource Conservation Fund estab-
8 lished by this section.

9 (5) LAND USE PLAN.—The term “land use
10 plan” means—

11 (A) in regard to Federal land, a land use
12 plan established under the Federal Land Policy
13 and Management Act of 1976 (43 U.S.C. 1701
14 et seq.); and

15 (B) in regard to National Forest System
16 lands, a land management plan approved,
17 amended, or revised under section 6 of the For-
18 est and Rangeland Renewable Resources Plan-
19 ning Act of 1974 (16 U.S.C. 1604).

20 (6) PRIORITY AREA.—The term “priority area”
21 means covered land identified by the land use plan-
22 ning process of the Bureau of Land Management as
23 being a preferred location for a renewable energy
24 project, including a designated leasing area (as de-
25 fined in section 2801.5(b) of title 43, Code of Fed-

1 eral Regulations (or a successor regulation)) that is
2 identified under the rule of the Bureau of Land
3 Management entitled “Competitive Processes,
4 Terms, and Conditions for Leasing Public Lands for
5 Solar and Wind Energy Development and Technical
6 Changes and Corrections” (81 Fed. Reg. 92122
7 (December 19, 2016)) (or a successor regulation).

8 (7) PUBLIC LANDS.—The term “public lands”
9 has the meaning given that term in section 103 of
10 the Federal Land Policy and Management Act of
11 1976 (43 U.S.C. 1702).

12 (8) RENEWABLE ENERGY PROJECT.—The term
13 “renewable energy project” means a project carried
14 out on covered land that uses wind, solar, or geo-
15 thermal energy to generate energy.

16 (9) SECRETARY.—The term “Secretary” means
17 the Secretary of the Interior.

18 (10) VARIANCE AREA.—The term “variance
19 area” means covered land that is—

20 (A) not an exclusion area;

21 (B) not a priority area; and

22 (C) identified by the Secretary as poten-
23 tially available for renewable energy develop-
24 ment and could be approved without a plan
25 amendment, consistent with the principles of

1 multiple use (as defined in the Federal Land
2 Policy and Management Act of 1976 (43 U.S.C.
3 1701 et seq.)).

4 (c) LAND USE PLANNING; UPDATES TO PRO-
5 GRAMMATIC ENVIRONMENTAL IMPACT STATEMENTS.—

6 (1) PRIORITY AREAS.—

7 (A) IN GENERAL.—The Secretary, in con-
8 sultation with the Secretary of Energy, shall es-
9 tablish priority areas on covered land for geo-
10 thermal, solar, and wind energy projects, con-
11 sistent with the principles of multiple use (as
12 defined in the Federal Land Policy and Man-
13 agement Act of 1976 (43 U.S.C. 1701 et seq.))
14 and the renewable energy permitting goal en-
15 acted by the Consolidated Appropriations Act of
16 2021 (Public Law 116–260). Among applica-
17 tions for a given renewable energy source, pro-
18 posed projects located in priority areas for that
19 renewable energy source shall—

20 (i) be given the highest priority for
21 incentivizing deployment thereon; and

22 (ii) be offered the opportunity to par-
23 ticipate in any regional mitigation plan de-
24 veloped for the relevant priority areas.

25 (B) ESTABLISHING PRIORITY AREAS.—

1 (i) GEOTHERMAL ENERGY.—For geo-
2 thermal energy, the Secretary shall estab-
3 lish priority areas as soon as practicable,
4 but not later than 5 years, after the date
5 of the enactment of this section.

6 (ii) SOLAR ENERGY.—For solar en-
7 ergy—

8 (I) solar designated leasing areas
9 (including the solar energy zones es-
10 tablished by Bureau of Land Manage-
11 ment Solar Energy Program, estab-
12 lished in October 2012), and any sub-
13 sequent land use plan amendments,
14 shall be considered to be priority
15 areas for solar energy projects; and

16 (II) the Secretary shall complete
17 a process to consider establishing ad-
18 ditional solar priority areas as soon as
19 practicable, but not later than 3
20 years, after the date of the enactment
21 of this section.

22 (iii) WIND ENERGY.—For wind en-
23 ergy, the Secretary shall complete a proc-
24 ess to consider establishing additional wind
25 priority areas as soon as practicable, but

1 not later than 3 years, after the date of
2 the enactment of this section.

3 (2) VARIANCE AREAS.—Variance areas shall be
4 considered for renewable energy project development,
5 consistent with the principles of multiple use (as de-
6 fined in the Federal Land Policy and Management
7 Act of 1976 (43 U.S.C. 1701 et seq.)) and the re-
8 newable energy permitting goal enacted by the Con-
9 solidated Appropriations Act of 2021 (Public Law
10 116–260), and applications for a given renewable
11 energy source located in those variance areas shall
12 be timely processed in order to assist in meeting
13 that goal.

14 (3) REVIEW AND MODIFICATION.—

15 (A) IN GENERAL.—Not less than once
16 every 10 years, the Secretary shall—

17 (i) review the adequacy of land alloca-
18 tions for geothermal, solar, and wind en-
19 ergy priority, exclusion, and variance areas
20 for the purpose of encouraging and facili-
21 tating new renewable energy development
22 opportunities; and

23 (ii) based on the review carried out
24 under clause (i), add, modify, or eliminate
25 priority, variance, and exclusion areas.

1 (B) EXCEPTION.—Subparagraph (A) shall
2 not apply to the renewable energy land use
3 planning published in the Desert Renewable
4 Energy Conservation Plan developed by the
5 California Energy Commission, the California
6 Department of Fish and Wildlife, the Bureau of
7 Land Management, and the United States Fish
8 and Wildlife Service until January 1, 2030.

9 (4) COMPLIANCE WITH THE NATIONAL ENVI-
10 RONMENTAL POLICY ACT.—For purposes of this sec-
11 tion, compliance with the National Environmental
12 Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be
13 accomplished—

14 (A) for geothermal energy, by updating the
15 document entitled “Final Programmatic Envi-
16 ronmental Impact Statement for Geothermal
17 Leasing in the Western United States”, dated
18 October 2008, and incorporating any additional
19 regional analyses that have been completed by
20 Federal agencies since that programmatic envi-
21 ronmental impact statement was finalized;

22 (B) for solar energy, by updating the docu-
23 ment entitled “Final Programmatic Environ-
24 mental Impact Statement (PEIS) for Solar En-
25 ergy Development in Six Southwestern States”,

1 dated July 2012, and incorporating any addi-
2 tional regional analyses that have been com-
3 pleted by Federal agencies since that pro-
4 grammatic environmental impact statement was
5 finalized; and

6 (C) for wind energy, by updating the docu-
7 ment entitled “Final Programmatic Environ-
8 mental Impact Statement on Wind Energy De-
9 velopment on BLM–Administered Lands in the
10 Western United States”, dated July 2005, and
11 incorporating any additional regional analyses
12 that have been completed by Federal agencies
13 since the programmatic environmental impact
14 statement was finalized.

15 (5) NO EFFECT ON PROCESSING SITE SPECIFIC
16 APPLICATIONS.—Site specific environmental review
17 and processing of permits for proposed projects shall
18 proceed during preparation of an updated pro-
19 grammatic environmental impact statement, re-
20 source management plan, or resource management
21 plan amendment.

22 (6) COORDINATION.—In developing updates re-
23 quired by this subsection, the Secretary shall coordi-
24 nate, on an ongoing basis, with appropriate State,
25 Tribal, and local governments, transmission infra-

1 structure owners and operators, developers, and
2 other appropriate entities to ensure that priority
3 areas identified by the Secretary are—

4 (A) economically viable (including having
5 access to existing and planned transmission
6 lines);

7 (B) likely to avoid or minimize impacts to
8 habitat for animals and plants, recreation, cul-
9 tural resources, and other uses of covered land;
10 and

11 (C) consistent with section 202 of the Fed-
12 eral Land Policy and Management Act of 1976
13 (43 U.S.C. 1712), including subsection (c)(9) of
14 that section (43 U.S.C. 1712(c)(9)).

15 (d) LIMITED GRANDFATHERING.—

16 (1) DEFINITION OF PROJECT.—In this sub-
17 section, the term “project” means a system de-
18 scribed in section 2801.9(a)(4) of title 43, Code of
19 Federal Regulations (as in effect on the date of the
20 enactment of this section).

21 (2) REQUIREMENT TO PAY RENTS AND FEES.—
22 Unless otherwise agreed to by the owner of a
23 project, the owner of a project that applied for a
24 right-of-way under section 501 of the Federal Land
25 Policy and Management Act of 1976 (43 U.S.C.

1 1761) on or before December 19, 2016, shall be ob-
2 ligated to pay with respect to the right-of-way all
3 rents and fees in effect before the effective date of
4 the rule of the Bureau of Land Management entitled
5 “Competitive Processes, Terms, and Conditions for
6 Leasing Public Lands for Solar and Wind Energy
7 Development and Technical Changes and Correc-
8 tions” (81 Fed. Reg. 92122 (December 19, 2016)).

9 (e) DISPOSITION OF REVENUES.—

10 (1) DISPOSITION OF REVENUES.—

11 (A) AVAILABILITY.—Except as provided in
12 subparagraph (B), beginning on January 1,
13 2022, of amounts collected from a wind or solar
14 project as bonus bids, rentals, fees, or other
15 payments under a right-of-way, permit, lease, or
16 other authorization the following shall be made
17 available, without further appropriation or fiscal
18 year limitation, as follows:

19 (i) Twenty-five percent shall be paid
20 by the Secretary of the Treasury to the
21 State within the boundaries of which the
22 revenue is derived.

23 (ii) Twenty-five percent shall be paid
24 by the Secretary of the Treasury to the
25 one or more counties within the boundaries

1 of which the revenue is derived, to be allo-
2 cated among the counties based on the per-
3 centage of land from which the revenue is
4 derived.

5 (iii) Twenty-five percent shall be de-
6 posited in the Treasury and be made avail-
7 able to the Secretary to carry out the pro-
8 gram established under this section, in-
9 cluding the transfer of the funds by the
10 Bureau of Land Management to other
11 Federal agencies and State agencies to fa-
12 cilitate the processing of renewable energy
13 permits on Federal land, with priority
14 given to using the amounts, to the max-
15 imum extent practicable without detri-
16 mental impacts to emerging markets, to
17 expediting the issuance of permits required
18 for the development of renewable energy
19 projects in the States from which the reve-
20 nues are derived.

21 (iv) Twenty-five percent shall be de-
22 posited in the Renewable Energy Resource
23 Conservation Fund established by para-
24 graph (3).

1 (B) EXCEPTIONS.—Subparagraph (A)
2 shall not apply to the following:

3 (i) Amounts collected under section
4 504(g) of the Federal Land Policy and
5 Management Act of 1976 (43 U.S.C.
6 1764(g)).

7 (ii) Amounts deposited into the Na-
8 tional Parks and Public Land Legacy Res-
9 toration Fund under section 200402(b) of
10 title 54, United States Code.

11 (2) PAYMENTS TO STATES AND COUNTIES.—

12 (A) IN GENERAL.—Amounts paid to States
13 and counties under paragraph (1)(A) shall be
14 used consistent with section 35 of the Mineral
15 Leasing Act (30 U.S.C. 191).

16 (B) PAYMENTS IN LIEU OF TAXES.—A
17 payment to a county under subparagraph (A)
18 shall be in addition to a payment in lieu of
19 taxes received by the county under chapter 69
20 of title 31, United States Code.

21 (3) RENEWABLE ENERGY RESOURCE CON-
22 SERVATION FUND.—

23 (A) IN GENERAL.—There is established in
24 the Treasury a fund to be known as the Renew-
25 able Energy Resource Conservation Fund,

1 which shall be administered by the Secretary, in
2 consultation with the Secretary of Agriculture.

3 (B) USE OF FUNDS.—The Secretary may
4 make amounts in the Fund available to Fed-
5 eral, State, local, and Tribal agencies to be dis-
6 tributed in regions in which renewable energy
7 projects are located on Federal land. Such
8 amounts may be used to—

9 (i) restore and protect—

10 (I) fish and wildlife habitat for
11 affected species;

12 (II) fish and wildlife corridors for
13 affected species; and

14 (III) wetlands, streams, rivers,
15 and other natural water bodies in
16 areas affected by wind, geothermal, or
17 solar energy development; and

18 (ii) preserve and improve recreational
19 access to Federal land and water in an af-
20 fected region through an easement, right-
21 of-way, or other instrument from willing
22 landowners for the purpose of enhancing
23 public access to existing Federal land and
24 water that is inaccessible or restricted.

1 (C) PARTNERSHIPS.—The Secretary may
2 enter into cooperative agreements with State
3 and Tribal agencies, nonprofit organizations,
4 and other appropriate entities to carry out the
5 activities described in subparagraph (B).

6 (D) INVESTMENT OF FUND.—

7 (i) IN GENERAL.—Amounts deposited
8 in the Fund shall earn interest in an
9 amount determined by the Secretary of the
10 Treasury on the basis of the current aver-
11 age market yield on outstanding market-
12 able obligations of the United States of
13 comparable maturities.

14 (ii) USE.—Interest earned under
15 clause (i) may be expended in accordance
16 with this paragraph.

17 (E) REPORT TO CONGRESS.—At the end of
18 each fiscal year, the Secretary shall submit a
19 report to the Committee on Natural Resources
20 of the House of Representatives and the Com-
21 mittee on Energy and Natural Resources of the
22 Senate that includes a description of—

23 (i) the amount collected as described
24 in paragraph (1), by source, during that
25 fiscal year;

1 (ii) the amount and purpose of pay-
2 ments during that fiscal year to each Fed-
3 eral, State, local, and Tribal agency under
4 subparagraph (B); and

5 (iii) the amount remaining in the
6 Fund at the end of the fiscal year.

7 (F) INTENT OF CONGRESS.—It is the in-
8 tent of Congress that the revenues deposited
9 and used in the Fund shall supplement (and
10 not supplant) annual appropriations for activi-
11 ties described in subparagraph (B).

12 (f) SAVINGS.—Notwithstanding any other provision
13 of this section, the Secretary shall continue to manage
14 public lands under the principles of multiple use and sus-
15 tained yield in accordance with title I of the Federal Land
16 Policy and Management Act of 1976 (43 U.S.C. 1701 et
17 seq.) or the Forest and Rangeland Renewable Resources
18 Planning Act of 1974 (43 U.S.C. 1701 et seq.), as applica-
19 ble, including due consideration of mineral and nonrenew-
20 able energy-related projects and other nonrenewable en-
21 ergy uses, for the purposes of land use planning, permit
22 processing, and conducting environmental reviews.

