

**AMENDMENT TO**  
**RULES COMMITTEE PRINT 117-31**  
**OFFERED BY MR. LEVIN OF CALIFORNIA**

Division H, page 1668, after line 13, insert the following new title:

1 **TITLE XII—PUBLIC LAND RE-**  
2 **NEWABLE ENERGY DEVELOP-**  
3 **MENT ACT**

4 **SEC. 71201. DEFINITIONS.**

5 In this title:

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

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

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

12 (i) a land use plan; or

13 (ii) other Federal law.

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

1           (3) FEDERAL LAND.—The term “Federal land”  
2 means—

3           (A) public lands; and

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

8           (4) FUND.—The term “Fund” means the Re-  
9 newable Energy Resource Conservation Fund estab-  
10 lished by section 71204(c)(1).

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

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

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

22          (6) PRIORITY AREA.—The term “priority area”  
23 means covered land identified by the land use plan-  
24 ning process of the Bureau of Land Management as  
25 being a preferred location for a renewable energy

1 project, including a designated leasing area (as de-  
2 fined in section 2801.5(b) of title 43, Code of Fed-  
3 eral Regulations (or a successor regulation)) that is  
4 identified under the rule of the Bureau of Land  
5 Management entitled “Competitive Processes,  
6 Terms, and Conditions for Leasing Public Lands for  
7 Solar and Wind Energy Development and Technical  
8 Changes and Corrections” (81 Fed. Reg. 92122  
9 (December 19, 2016)) (or a successor regulation).

10 (7) PUBLIC LANDS.—The term “public lands”  
11 has the meaning given that term in section 103 of  
12 the Federal Land Policy and Management Act of  
13 1976 (43 U.S.C. 1702).

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

18 (9) SECRETARY.—The term “Secretary” means  
19 the Secretary of the Interior.

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

22 (A) not an exclusion area;

23 (B) not a priority area; and

24 (C) identified by the Secretary as poten-  
25 tially available for renewable energy develop-

1           ment and could be approved without a plan  
2           amendment, consistent with the principles of  
3           multiple use (as defined in the Federal Land  
4           Policy and Management Act of 1976 (43 U.S.C.  
5           1701 et seq.)).

6 **SEC. 71202. LAND USE PLANNING; UPDATES TO PRO-**  
7                   **GRAMMATIC ENVIRONMENTAL IMPACT**  
8                   **STATEMENTS.**

9           (a) PRIORITY AREAS.—

10           (1) IN GENERAL.—The Secretary, in consulta-  
11           tion with the Secretary of Energy, shall establish  
12           priority areas on covered land for geothermal, solar,  
13           and wind energy projects, consistent with the prin-  
14           ciples of multiple use (as defined in the Federal  
15           Land Policy and Management Act of 1976 (43  
16           U.S.C. 1701 et seq.)) and the renewable energy per-  
17           mitting goal enacted by the Consolidated Appropria-  
18           tions Act of 2021 (Public Law 116–260). Among  
19           applications for a given renewable energy source,  
20           proposed projects located in priority areas for that  
21           renewable energy source shall—

22                   (A) be given the highest priority for  
23                   incentivizing deployment thereon; and

1 (B) be offered the opportunity to partici-  
2 pate in any regional mitigation plan developed  
3 for the relevant priority areas.

4 (2) ESTABLISHING PRIORITY AREAS.—

5 (A) GEOTHERMAL ENERGY.—For geo-  
6 thermal energy, the Secretary shall establish  
7 priority areas as soon as practicable, but not  
8 later than 5 years, after the date of the enact-  
9 ment of this Act.

10 (B) SOLAR ENERGY.—For solar energy—

11 (i) solar designated leasing areas (in-  
12 cluding the solar energy zones established  
13 by Bureau of Land Management Solar En-  
14 ergy Program, established in October  
15 2012), and any subsequent land use plan  
16 amendments, shall be considered to be pri-  
17 ority areas for solar energy projects; and

18 (ii) the Secretary shall complete a  
19 process to consider establishing additional  
20 solar priority areas as soon as practicable,  
21 but not later than 3 years, after the date  
22 of the enactment of this Act.

23 (C) WIND ENERGY.—For wind energy, the  
24 Secretary shall complete a process to consider  
25 establishing additional wind priority areas as

1           soon as practicable, but not later than 3 years,  
2           after the date of the enactment of this Act.

3           (b) VARIANCE AREAS.—Variance areas shall be con-  
4 sidered for renewable energy project development, con-  
5 sistent with the principles of multiple use (as defined in  
6 the Federal Land Policy and Management Act of 1976  
7 (43 U.S.C. 1701 et seq.)) and the renewable energy per-  
8 mitting goal enacted by the Consolidated Appropriations  
9 Act of 2021 (Public Law 116–260), and applications for  
10 a given renewable energy source located in those variance  
11 areas shall be timely processed in order to assist in meet-  
12 ing that goal.

13           (c) REVIEW AND MODIFICATION.—

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

16                   (A) review the adequacy of land allocations  
17 for geothermal, solar, and wind energy priority,  
18 exclusion, and variance areas for the purpose of  
19 encouraging and facilitating new renewable en-  
20 ergy development opportunities; and

21                   (B) based on the review carried out under  
22 subparagraph (A), add, modify, or eliminate  
23 priority, variance, and exclusion areas.

24           (2) EXCEPTION.—Paragraph (1) shall not  
25 apply to the renewable energy land use planning

1 published in the Desert Renewable Energy Con-  
2 servation Plan developed by the California Energy  
3 Commission, the California Department of Fish and  
4 Wildlife, the Bureau of Land Management, and the  
5 United States Fish and Wildlife Service until Janu-  
6 ary 1, 2031.

7 (d) COMPLIANCE WITH THE NATIONAL ENVIRON-  
8 MENTAL POLICY ACT.—For purposes of this section, com-  
9 pliance with the National Environmental Policy Act of  
10 1969 (42 U.S.C. 4321 et seq.) shall be accomplished—

11 (1) for geothermal energy, by updating the doc-  
12 ument entitled “Final Programmatic Environmental  
13 Impact Statement for Geothermal Leasing in the  
14 Western United States”, dated October 2008, and  
15 incorporating any additional regional analyses that  
16 have been completed by Federal agencies since that  
17 programmatic environmental impact statement was  
18 finalized;

19 (2) for solar energy, by updating the document  
20 entitled “Final Programmatic Environmental Impact  
21 Statement (PEIS) for Solar Energy Development in  
22 Six Southwestern States”, dated July 2012, and in-  
23 corporating any additional regional analyses that  
24 have been completed by Federal agencies since that

1 programmatic environmental impact statement was  
2 finalized; and

3 (3) for wind energy, by updating the document  
4 entitled “Final Programmatic Environmental Impact  
5 Statement on Wind Energy Development on BLM–  
6 Administered Lands in the Western United States”,  
7 dated July 2005, and incorporating any additional  
8 regional analyses that have been completed by Fed-  
9 eral agencies since the programmatic environmental  
10 impact statement was finalized.

11 (e) NO EFFECT ON PROCESSING SITE SPECIFIC AP-  
12 PPLICATIONS.—Site specific environmental review and  
13 processing of permits for proposed projects shall proceed  
14 during preparation of an updated programmatic environ-  
15 mental impact statement, resource management plan, or  
16 resource management plan amendment.

17 (f) COORDINATION.—In developing updates required  
18 by this section, the Secretary shall coordinate, on an ongo-  
19 ing basis, with appropriate State, Tribal, and local govern-  
20 ments, transmission infrastructure owners and operators,  
21 developers, and other appropriate entities to ensure that  
22 priority areas identified by the Secretary are—

23 (1) economically viable (including having access  
24 to existing and planned transmission lines);



1           (2) likely to avoid or minimize impacts to habi-  
2           tat for animals and plants, recreation, cultural re-  
3           sources, and other uses of covered land; and

4           (3) consistent with section 202 of the Federal  
5           Land Policy and Management Act of 1976 (43  
6           U.S.C. 1712), including subsection (c)(9) of that  
7           section (43 U.S.C. 1712(c)(9)).

8   **SEC. 71203. LIMITED GRANDFATHERING.**

9           (a) DEFINITION OF PROJECT.—In this section, the  
10          term “project” means a system described in section  
11          2801.9(a)(4) of title 43, Code of Federal Regulations (as  
12          in effect on the date of the enactment of this Act).

13          (b) REQUIREMENT TO PAY RENTS AND FEES.—Un-  
14          less otherwise agreed to by the owner of a project, the  
15          owner of a project that applied for a right-of-way under  
16          section 501 of the Federal Land Policy and Management  
17          Act of 1976 (43 U.S.C. 1761) on or before December 19,  
18          2017, shall be obligated to pay with respect to the right-  
19          of-way all rents and fees in effect before the effective date  
20          of the rule of the Bureau of Land Management entitled  
21          “Competitive Processes, Terms, and Conditions for Leas-  
22          ing Public Lands for Solar and Wind Energy Development  
23          and Technical Changes and Corrections” (81 Fed. Reg.  
24          92122 (December 19, 2016)).

1 **SEC. 71204. DISPOSITION OF REVENUES.**

2 (a) DISPOSITION OF REVENUES.—

3 (1) AVAILABILITY.—Subject to future appro-  
4 priations, and except as provided in paragraph (2),  
5 beginning on January 1, 2023, amounts collected  
6 from a wind or solar project as bonus bids, rentals,  
7 fees, or other payments under a right-of-way, per-  
8 mit, lease, or other authorization, are authorized to  
9 be made available as follows:

10 (A) Twenty-five percent shall be paid by  
11 the Secretary of the Treasury to the State with-  
12 in the boundaries of which the revenue is de-  
13 rived.

14 (B) Twenty-five percent shall be paid by  
15 the Secretary of the Treasury to the one or  
16 more counties within the boundaries of which  
17 the revenue is derived, to be allocated among  
18 the counties based on the percentage of land  
19 from which the revenue is derived.

20 (C) Twenty-five percent shall be deposited  
21 in the Treasury and be made available to the  
22 Secretary to carry out the program established  
23 under this title, including the transfer of the  
24 funds by the Bureau of Land Management to  
25 other Federal agencies and State agencies to fa-  
26 cilitate the processing of renewable energy per-

1           mits on Federal land, with priority given to  
2           using the amounts, to the maximum extent  
3           practicable without detrimental impacts to  
4           emerging markets, to expediting the issuance of  
5           permits required for the development of renew-  
6           able energy projects in the States from which  
7           the revenues are derived.

8                   (D) Twenty-five percent shall be deposited  
9           in the Renewable Energy Resource Conserva-  
10          tion Fund established by subsection (c).

11           (2) EXCEPTIONS.—Paragraph (1) shall not  
12          apply to the following:

13                   (A) Amounts collected under section  
14          504(g) of the Federal Land Policy and Manage-  
15          ment Act of 1976 (43 U.S.C. 1764(g)).

16                   (B) Amounts deposited into the National  
17          Parks and Public Land Legacy Restoration  
18          Fund under section 200402(b) of title 54,  
19          United States Code.

20          (b) PAYMENTS TO STATES AND COUNTIES.—

21                   (1) IN GENERAL.—Amounts paid to States and  
22          counties under subsection (a)(1) shall be used con-  
23          sistent with section 35 of the Mineral Leasing Act  
24          (30 U.S.C. 191).

1           (2) PAYMENTS IN LIEU OF TAXES.—A payment  
2           to a county under paragraph (1) shall be in addition  
3           to a payment in lieu of taxes received by the county  
4           under chapter 69 of title 31, United States Code.

5           (c) RENEWABLE ENERGY RESOURCE CONSERVATION  
6 FUND.—

7           (1) IN GENERAL.—There is established in the  
8           Treasury a fund to be known as the Renewable En-  
9           ergy Resource Conservation Fund, which shall be  
10          administered by the Secretary, in consultation with  
11          the Secretary of Agriculture.

12          (2) USE OF FUNDS.—The Secretary may make  
13          amounts in the Fund available to Federal, State,  
14          local, and Tribal agencies to be distributed in re-  
15          gions in which renewable energy projects are located  
16          on Federal land. Such amounts may be used to—

17                 (A) restore and protect—

18                         (i) fish and wildlife habitat for af-  
19                         fected species;

20                         (ii) fish and wildlife corridors for af-  
21                         fected species; and

22                         (iii) wetlands, streams, rivers, and  
23                         other natural water bodies in areas af-  
24                         fected by wind, geothermal, or solar energy  
25                         development; and

1 (B) preserve and improve recreational ac-  
2 cess to Federal land and water in an affected  
3 region through an easement, right-of-way, or  
4 other instrument from willing landowners for  
5 the purpose of enhancing public access to exist-  
6 ing Federal land and water that is inaccessible  
7 or restricted.

8 (3) PARTNERSHIPS.—The Secretary may enter  
9 into cooperative agreements with State and Tribal  
10 agencies, nonprofit organizations, and other appro-  
11 priate entities to carry out the activities described in  
12 paragraph (2).

13 (4) INVESTMENT OF FUND.—

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

20 (B) USE.—Interest earned under subpara-  
21 graph (A) may be expended in accordance with  
22 this subsection.

23 (5) REPORT TO CONGRESS.—At the end of each  
24 fiscal year, the Secretary shall submit a report to  
25 the Committee on Natural Resources of the House

1 of Representatives and the Committee on Energy  
2 and Natural Resources of the Senate that includes  
3 a description of—

4 (A) the amount collected as described in  
5 subsection (a), by source, during that fiscal  
6 year;

7 (B) the amount and purpose of payments  
8 during that fiscal year to each Federal, State,  
9 local, and Tribal agency under paragraph (2);  
10 and

11 (C) the amount remaining in the Fund at  
12 the end of the fiscal year.

13 (6) INTENT OF CONGRESS.—It is the intent of  
14 Congress that the revenues deposited and used in  
15 the Fund shall supplement (and not supplant) an-  
16 nual appropriations for activities described in para-  
17 graph (2).

18 **SEC. 71205. SAVINGS.**

19 Notwithstanding any other provision of this title, the  
20 Secretary shall continue to manage public lands under the  
21 principles of multiple use and sustained yield in accord-  
22 ance with title I of the Federal Land Policy and Manage-  
23 ment Act of 1976 (43 U.S.C. 1701 et seq.) or the Forest  
24 and Rangeland Renewable Resources Planning Act of  
25 1974 (43 U.S.C. 1701 et seq.), as applicable, including

1 due consideration of mineral and nonrenewable energy-re-  
2 lated projects and other nonrenewable energy uses, for the  
3 purposes of land use planning, permit processing, and con-  
4 ducting environmental reviews.

