

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To promote renewable energy development on public land.

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

**S. 2569**

To provide an incentive for businesses to bring jobs back to America.

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 Mr. HELLER

Viz:

1 At the end of the bill, add the following:

2 **TITLE II—PUBLIC LAND RENEW-**  
 3 **ABLE ENERGY DEVELOP-**  
 4 **MENT**

5 **Subtitle A—Geothermal Energy**

6 **SEC. 201. EXTENSION OF FUNDING FOR IMPLEMENTATION**  
 7 **OF ENERGY POLICY ACT OF 2005.**

8 (a) IN GENERAL.—Section 234(a) of the Energy Pol-  
 9 icy Act of 2005 (42 U.S.C. 15873(a)) is amended by strik-  
 10 ing “in the first 5 fiscal years beginning after the date  
 11 of enactment of this Act” and inserting “through fiscal  
 12 year 2020”.

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

3 (1) by striking “Amounts” and inserting the  
4 following:

5 “(1) IN GENERAL.—Amounts”; and

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

7 “(2) AUTHORIZATION.—Effective for fiscal year  
8 [2015] and each fiscal year thereafter, amounts de-  
9 posited under subsection (a) shall be available to the  
10 Secretary of the Interior for expenditure, subject to  
11 appropriation and without fiscal year limitation, to  
12 implement the Geothermal Steam Act of 1970 (30  
13 U.S.C. 1001 et seq.) and this Act.”.

14 **SEC. 202. CATEGORICAL EXCLUSION FOR GEOTHERMAL**  
15 **DRILLING.**

16 Not later than 1 year after the date of enactment  
17 of this Act, the Secretary of the Interior and the Secretary  
18 of Agriculture shall establish a new categorical exclusion  
19 under the National Environmental Policy Act of 1969 (42  
20 U.S.C. 4321 et seq.) for geothermal drilling activities on  
21 any National Forest System land or public land (as de-  
22 fined in section 103 of the Federal Land Policy and Man-  
23 agement Act of 1976 (43 U.S.C. 1702)) that were re-  
24 viewed under the programmatic environmental impact

1 statement relating to the authorization of geothermal leas-  
2 ing completed in October 2008.

3 **Subtitle B—Development of Wind**  
4 **and Solar Energy on Certain**  
5 **Federal Land**

6 **SEC. 211. DEFINITIONS.**

7 In this subtitle:

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

10 (A)(i) public land administered by the Sec-  
11 retary; or

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

14 (B) not excluded from the development of  
15 solar or wind energy under—

16 (i) a final land use plan established  
17 under the Federal Land Policy and Man-  
18 agement Act of 1976 (43 U.S.C. 1701 et  
19 seq.);

20 (ii) a final land and resource manage-  
21 ment plan established under the National  
22 Forest Management Act of 1976 (16  
23 U.S.C. 1600 et seq.); or

24 (iii) other Federal law.

1           (2) FUND.—The term “Fund” means the Re-  
2           newable Energy Resource Conservation Fund estab-  
3           lished by section 214(b)(1).

4           (3) PILOT PROGRAM.—The term “pilot pro-  
5           gram” means the wind and solar leasing pilot pro-  
6           gram established under section 212(a)(1).

7           (4) PUBLIC LAND.—The term “public land”  
8           has the meaning given the term “public lands” in  
9           section 103 of the Federal Land Policy and Manage-  
10          ment Act of 1976 (43 U.S.C. 1702).

11          (5) SECRETARIES.—The term “Secretaries”  
12          means—

13                 (A) in the case of public land administered  
14                 by the Secretary, the Secretary; and

15                 (B) in the case of National Forest System  
16                 land administered by the Secretary of Agri-  
17                 culture, the Secretary of Agriculture.

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

20   **SEC. 212. DEVELOPMENT OF SOLAR AND WIND ENERGY ON**  
21                 **COVERED LAND.**

22          (a) PILOT PROGRAM.—

23                 (1) ESTABLISHMENT.—Not later than 180 days  
24                 after the date of enactment of this Act, the Secre-  
25                 taries each shall establish a wind and solar leasing

1 pilot program under which the Secretaries shall con-  
2 duct lease sales of certain sites located on covered  
3 land for purposes of carrying out wind and solar en-  
4 ergy projects.

5 (2) SELECTION OF SITES.—

6 (A) IN GENERAL.—Not later than 90 days  
7 after the date the pilot program is established  
8 under paragraph (1), the Secretaries shall each  
9 select from covered land—

10 (i) 1 site for the development of a  
11 solar energy project; and

12 (ii) 1 site for the development of a  
13 wind energy project.

14 (B) SITE SELECTION.—In selecting sites  
15 under subparagraph (A), the Secretaries shall—

16 (i) give a preference to sites that the  
17 Secretaries determine—

18 (I) are likely to attract a high  
19 level of wind and solar energy indus-  
20 try interest;

21 (II) have a comparatively low  
22 value for resources, other than wind  
23 and solar energy; and

24 (III) would serve as models for  
25 the expansion of the pilot program to

1 other locations, if the program is ex-  
2 panded under subsection (c);

3 (ii) take into consideration the value  
4 of the multiple resources of the covered  
5 land on which the sites are located; and

6 (iii) not select any site for which a  
7 right-of-way or special use permit for site  
8 testing or construction has been issued  
9 under—

10 (I) title V of the Federal Land  
11 Policy and Management Act of 1976  
12 (43 U.S.C. 1761 et seq.); or

13 (II) the National Forest Manage-  
14 ment Act of 1976 (16 U.S.C. 1600 et  
15 seq.).

16 (3) LEASE SALES.—

17 (A) IN GENERAL.—Except as provided in  
18 paragraph (4)(B)(i), not later than 180 days  
19 after the date on which sites are selected under  
20 paragraph (2), the Secretaries shall offer each  
21 site for competitive leasing to bidders that the  
22 Secretaries determine to be qualified under sub-  
23 paragraph (C) under such terms and conditions  
24 as are required by the Secretaries.

25 (B) BIDDING SYSTEMS.—

1 (i) IN GENERAL.—In offering the sites  
2 for lease, the Secretaries may vary the bid-  
3 ding system selected by the Secretaries, in-  
4 cluding—

5 (I) cash bonus bids with a re-  
6 quirement for payment of the royalty  
7 established under this subtitle;

8 (II) variable royalty bids based  
9 on a percentage of the gross proceeds  
10 from the sale of electricity produced  
11 from the lease, except that the royalty  
12 shall not be less than the royalty re-  
13 quired under this subtitle, together  
14 with a fixed cash bonus; or

15 (III) such other bidding system  
16 as the Secretaries determine will en-  
17 sure a fair return to the public, con-  
18 sistent with the royalty established  
19 under this subtitle.

20 (ii) ROUND.—The Secretaries shall  
21 limit bidding to 1 round in any lease sale.

22 (C) BIDDER QUALIFICATIONS.—Before  
23 conducting a lease sale under this section, the  
24 Secretaries shall—

1 (i) establish qualifications for bidders  
2 that ensure the bidders—  
3 (I) are able to expeditiously de-  
4 velop a wind or solar energy project  
5 on the site for lease;  
6 (II) possess—  
7 (aa) the financial resources  
8 necessary to complete a project;  
9 (bb) knowledge of the tech-  
10 nology needed to complete a  
11 project; and  
12 (cc) such other qualifications  
13 as the Secretaries determine to  
14 be necessary; and  
15 (III) meet eligibility requirements  
16 that are substantially similar to the  
17 eligibility requirements for leasing  
18 that apply under the first section of  
19 the Mineral Leasing Act (30 U.S.C.  
20 181); and  
21 (ii) using the requirements established  
22 under clause (i), determine whether a per-  
23 son is qualified to be a bidder on a site of-  
24 fered for lease under this subsection.

1 (D) CREDIT FOR BID PREPARATION EX-  
2 PENDITURES.—If more than 1 bid is submitted  
3 with respect to a site offered for lease under  
4 this subsection on the date of the lease sale, the  
5 Secretaries shall give credit to each person who  
6 submitted a bid with respect to the site for ex-  
7 penditures the person incurred in the prepara-  
8 tion of the bid.

9 (4) LEASE TERMS.—

10 (A) IN GENERAL.—The Secretaries may  
11 establish such lease terms and conditions with  
12 respect to any site offered for lease under this  
13 subsection as the Secretaries consider appro-  
14 priate, including the duration of the lease.

15 (B) DATA COLLECTION.—As part of the  
16 pilot program, the Secretaries shall—

17 (i) offer on a noncompetitive basis a  
18 short-term lease with respect to at least 1  
19 site for data collection; and

20 (ii) on the expiration of the short-term  
21 lease described in clause (i), offer on a  
22 competitive basis a long-term lease, giving  
23 credit toward the bonus bid to the holder  
24 of the short-term lease for any qualified

1 expenditures to collect data or to develop  
2 the site during the short-term lease.

3 (5) REVENUES.—Subject to section 213, the  
4 Secretaries may collect bonus bids, royalties, fees, or  
5 other payments (except rental payments) with re-  
6 spect to sites offered for lease under this subsection.

7 (6) REPORT.—Not later than 90 days after the  
8 date on which the Secretaries conduct the final lease  
9 sale under this subsection, the Secretaries shall sub-  
10 mit to the Committee on Energy and Natural Re-  
11 sources and the Committee on Agriculture, Nutri-  
12 tion, and Forestry of the Senate and the Committee  
13 on Natural Resources and the Committee on Agri-  
14 culture of the House of Representatives a report  
15 that describes the results of the pilot program, in-  
16 cluding—

17 (A) the level of competitive interest;

18 (B) a summary of bids and revenues re-  
19 ceived; and

20 (C) any other factors that may have im-  
21 pacted the lease sale process.

22 (7) OTHER LAWS.—

23 (A) COMPLIANCE WITH LAND MANAGE-  
24 MENT AND ENVIRONMENTAL LAWS.—In offer-



1           this subsection reduces or limits the enforce-  
2           ment authority vested in the Secretaries or the  
3           Attorney General on covered land under any  
4           other Federal law.

5           (b) TEMPORARY EXTENSION OF PILOT PROGRAM.—

6           Until the date on which final regulations are promulgated  
7           under subsection (c)(4), the Secretaries—

8                   (1) shall continue to carry out the pilot pro-  
9           gram on the sites offered for lease under subsection  
10          (a); and

11                   (2) as the Secretaries determine to be nec-  
12          essary, may extend any lease issued under sub-  
13          section (a) under the same terms and conditions ap-  
14          plicable to the lease on the date of the lease sale.

15          (c) EXPANSION OF PILOT PROGRAM TO ALL COV-  
16          ERED LAND.—

17                   (1) JOINT DETERMINATION REQUIRED; EXPAN-  
18          SION.—The Secretaries shall—

19                           (A) not later than 5 years after the date  
20          of enactment of this Act, jointly determine  
21          whether to expand the pilot program to all cov-  
22          ered land, including sites with respect to which  
23          leases were issued under subsection (a); and

1 (B) if the Secretaries determine to expand  
2 the pilot program under subparagraph (A), ex-  
3 pand the pilot program.

4 (2) CONSIDERATION; CONSULTATION.—In mak-  
5 ing a determination under paragraph (1)(A), the  
6 Secretaries shall—

7 (A) take into consideration the results of  
8 the pilot program;

9 (B) consult with—

10 (i) the heads of Federal agencies and  
11 relevant State agencies (including State  
12 fish and wildlife agencies);

13 (ii) interested States, Indian tribes,  
14 and local governments;

15 (iii) representatives of the solar and  
16 wind energy industries;

17 (iv) representatives of the environ-  
18 ment, conservation, and outdoor sporting  
19 communities; and

20 (v) the public; and

21 (C) consider whether the expansion of the  
22 pilot program—

23 (i) provides an effective means of de-  
24 veloping wind or solar energy; and

25 (ii) is in the public interest.

1           (3) REPORT ON JOINT DETERMINATION.—Not  
2 later than 60 days after the date on which the Sec-  
3 retaries make a determination under paragraph  
4 (1)(A) to expand the pilot program, the Secretaries  
5 jointly shall submit to the Committee on Energy and  
6 Natural Resources and the Committee on Agri-  
7 culture, Nutrition, and Forestry of the Senate and  
8 the Committee on Natural Resources and the Com-  
9 mittee on Agriculture of the House of Representa-  
10 tives a report describing the basis and findings for  
11 the determination.

12           (4) REGULATIONS TO IMPLEMENT EXPAN-  
13 SION.—Not later than 1 year after making a deter-  
14 mination to expand the pilot program under para-  
15 graph (1)(A), the Secretaries jointly shall promul-  
16 gate final regulations to implement this subtitle.

17           (5) APPLICABILITY OF PROVISIONS OF PILOT  
18 PROGRAM TO EXPANDED PROGRAM.—

19           (A) IN GENERAL.—Except as provided in  
20 subparagraph (B), paragraphs (3), (7), and (8)  
21 of subsection (a) shall apply to covered land of-  
22 fered for lease under this subsection in the  
23 same manner as those paragraphs apply to sites  
24 offered for lease under subsection (a).

1 (B) COMPETITIVE LEASING NOT REQUIRED  
2 UNDER CERTAIN CIRCUMSTANCES.—The re-  
3 quirement under subsection (a)(3) that a lease  
4 be sold on a competitive basis shall not apply  
5 to a lease issued under this subsection if the  
6 Secretary or the Secretary of Agriculture, as  
7 applicable, determines that—

8 (i) no competitive interest exists for  
9 the covered land offered for lease;

10 (ii) the public interest would not be  
11 served by the competitive issuance of a  
12 lease with respect to the covered land; or

13 (iii) the lease is for a purpose de-  
14 scribed in paragraph (7)(A)(ii).

15 (6) PAYMENTS.—

16 (A) IN GENERAL.—Subject to section 213,  
17 the Secretaries jointly shall establish fees, bo-  
18 nuses, or other payments (except rental pay-  
19 ments) to ensure a fair return to the United  
20 States for any lease issued under this sub-  
21 section.

22 (B) BONUS BIDS.—The Secretary con-  
23 cerned may grant credit toward any bonus bid  
24 for a qualified expenditure by the holder of a  
25 lease described in paragraph (7)(A)(ii) in any

1 competitive lease sale held for a long-term lease  
2 of the covered land that is the subject of the  
3 lease described in that paragraph.

4 (7) LEASE DURATION, ADMINISTRATION, AND  
5 READJUSTMENT.—

6 (A) DURATION.—

7 (i) IN GENERAL.—Except as provided  
8 in clause (ii), a lease issued under this sub-  
9 section shall be for—

10 (I) an initial term of 30 years;

11 and

12 (II) any additional period after  
13 the initial 25-year term during which  
14 electricity is being produced annually  
15 in commercial quantities from the  
16 lease.

17 (ii) DATA COLLECTION LEASES.—In  
18 the case of a lease issued under this sub-  
19 section for the placement and operation of  
20 a meteorological or data collection facility  
21 or for the development or demonstration of  
22 a new wind or solar technology, the lease  
23 shall have a term of not more than 5  
24 years.

1           (B) ADMINISTRATION.—The Secretaries  
2 jointly shall establish terms and conditions for  
3 the issuance, transfer, renewal, suspension, and  
4 cancellation of a lease issued under this sub-  
5 section.

6           (C) READJUSTMENT PROVISION RE-  
7 QUIRED.—Each lease issued under this sub-  
8 section shall provide for readjustment in ac-  
9 cordance with subparagraph (A).

10          (8) SURFACE-DISTURBING ACTIVITIES.—The  
11 Secretaries jointly shall promulgate regulations re-  
12 garding surface-disturbing activities conducted under  
13 any lease issued under this subsection, including any  
14 reclamation and other actions necessary to conserve  
15 and offset impacts to surface resources.

16          (9) SECURITY.—

17           (A) IN GENERAL.—The Secretaries shall  
18 require that the holder of a lease issued under  
19 this subsection shall—

20           (i) furnish a surety bond or other  
21 form of security, as prescribed by the Sec-  
22 retaries;

23           (ii) provide for the reclamation and  
24 restoration of the covered land that is the  
25 subject of the lease; and

1 (iii) comply with such other require-  
2 ments as the Secretaries consider to be  
3 necessary to protect the interests of the  
4 public and the United States.

5 (B) PERIODIC REVIEW.—Not less fre-  
6 quently than once every 5 years, the Secretaries  
7 shall conduct a review of the adequacy of a sur-  
8 ety bond or other form of security provided by  
9 the holder of a lease issued under this sub-  
10 section.

11 **SEC. 213. ROYALTIES.**

12 (a) IN GENERAL.—The Secretaries shall—

13 (1) require as a term and condition of any lease  
14 issued under section 212, the payment of a royalty;  
15 and

16 (2) pursuant to a joint rulemaking, establish  
17 those royalties as a percentage of the gross proceeds  
18 from the sale of electricity produced on covered land  
19 that is the subject of the lease at a rate that—

20 (A) encourages production of solar or wind  
21 energy;

22 (B) ensures a fair return to the public  
23 comparable to the return that would be ob-  
24 tained on State or private land; and

1           (C) encourages the maximum energy gen-  
2           eration while disturbing the least quantity of  
3           covered land and other natural resources, in-  
4           cluding water.

5           (b) **FACTOR FOR CONSIDERATION.**—In establishing  
6 the royalties under subsection (a), the Secretaries shall  
7 take into consideration the relative capacity factors of  
8 wind and solar energy projects.

9           (c) **EXCLUSIVE PAYMENT ON SALE OF ELEC-**  
10 **TRICITY.**—The royalty under subsection (a) shall be the  
11 only rent, royalty, or similar payment to the Federal Gov-  
12 ernment required with respect to the sale of electricity pro-  
13 duced under a lease issued under section 212.

14           (d) **ROYALTY RELIEF.**—The Secretaries may reduce  
15 the royalty rate established under subsection (a) if the  
16 holder of a lease issued under this subtitle demonstrates  
17 to the satisfaction of the Secretaries by clear and con-  
18 vincing evidence that—

19           (1) collection of the full royalty would unreason-  
20 ably burden energy generation on covered land that  
21 is the subject of the lease; and

22           (2) the royalty reduction is in the public inter-  
23 est.

24           (e) **ENFORCEMENT.**—

1           (1) AUDITING SYSTEM.—The Secretaries jointly  
2           shall establish a comprehensive inspection, collection,  
3           fiscal, and production accounting and auditing sys-  
4           tem—

5                   (A) to accurately determine royalties, in-  
6                   terest, fines, penalties, fees, deposits, and other  
7                   payments owed under this subtitle; and

8                   (B) to collect and account for the pay-  
9                   ments in a timely manner.

10           (2) APPLICABILITY OF FEDERAL OIL AND GAS  
11           ROYALTY MANAGEMENT ACT.—The Federal Oil and  
12           Gas Royalty Management Act of 1982 (30 U.S.C.  
13           1701 et seq.) (including the civil and criminal en-  
14           forcement provisions of that Act) shall apply to  
15           leases issued under this subtitle with respect to wind  
16           and solar energy projects in the same manner as  
17           that Act applies to oil and gas leases.

18           (f) REPORT ON ROYALTIES.—Not later than 5 years  
19           after the date of enactment of this Act and not less fre-  
20           quently than once every 5 years thereafter, the Secretary,  
21           in consultation with the Secretary of Agriculture, shall  
22           submit to the Committee on Energy and Natural Re-  
23           sources and the Committee on Agriculture, Nutrition, and  
24           Forestry of the Senate and the Committee on Natural Re-  
25           sources and the Committee on Agriculture of the House

1 of Representatives a report that includes a review of the  
2 collections and impacts of the royalties and fees collected  
3 under this subtitle, including—

4 (1) the total revenues received (expressed by  
5 category) on an annual basis as royalties from wind,  
6 solar, and geothermal development and production,  
7 specified by energy source, on covered land;

8 (2) whether the revenues received for the devel-  
9 opment of wind, solar, and geothermal development  
10 are comparable to the revenues received for similar  
11 development on State or private land;

12 (3) any impact on the development of wind,  
13 solar, or geothermal development and production on  
14 covered land as a result of the royalties; and

15 (4) any recommendations with respect to  
16 changes in Federal law (including regulations) relat-  
17 ing to the amount or method of collection (including  
18 auditing, compliance, and enforcement) of the royal-  
19 ties.

20 (g) REGULATIONS.—Not later than 1 year after the  
21 date of enactment of this Act, the Secretaries jointly shall  
22 promulgate final regulations to carry out this section.

23 **SEC. 214. DISPOSITION OF ROYALTY REVENUES.**

24 (a) ALLOCATION OF REVENUE.—Effective beginning  
25 on the date of enactment of this Act, all amounts collected

1 by the Secretaries as royalties or bonuses under subsection  
2 (a)(5) or (c)(6) of section 212 shall be distributed as fol-  
3 lows:

4 (1) 25 percent shall be paid by the Secretary of  
5 the Treasury to States within the boundaries of  
6 which the royalties or bonuses are derived, to be al-  
7 located among those States based on the percentage  
8 of covered land from which the royalties or bonuses  
9 are derived in each State.

10 (2) 25 percent shall be paid by the Secretary of  
11 the Treasury to the counties within the boundaries  
12 of which the royalties or bonuses are derived, to be  
13 allocated among those counties based on the percent-  
14 age of covered land from which the royalties or bo-  
15 nuses are derived in each county.

16 (3) 25 percent shall be deposited in the Fund.

17 (4) For the 15-year period beginning on the  
18 date of enactment of this Act, 15 percent shall be  
19 paid by the Secretary of the Treasury directly to the  
20 State offices of the Bureau of Land Management  
21 and the regional office of the Forest Service with ju-  
22 risdiction over the areas from which the royalties or  
23 bonuses are derived for purposes of reducing the  
24 number of renewable energy permits that have not  
25 been processed before the date of enactment of this

1 Act, to be allocated among those offices based on the  
2 percentage of covered land from which the royalties  
3 or bonuses are derived in each State.

4 (5) The remainder shall be deposited into the  
5 general fund of the Treasury for purposes of reduc-  
6 ing the annual Federal budget deficit.

7 (b) RENEWABLE ENERGY RESOURCE CONSERVATION  
8 FUND.—

9 (1) ESTABLISHMENT.—There is established in  
10 the Treasury of the United States a fund, to be  
11 known as the “Renewable Energy Resource Con-  
12 servation Fund”, to be administered by the Sec-  
13 retary, in consultation with the Secretary of Agri-  
14 culture, for use in regions impacted by the develop-  
15 ment of wind or solar energy on public land.

16 (2) USE OF FUNDS.—The Secretary shall use  
17 amounts in the Fund to carry out activities and  
18 make payments to State agencies, Federal agencies,  
19 or other interested persons in regions described in  
20 paragraph (1) for—

21 (A) protecting and restoring important fish  
22 and wildlife habitat in the regions, including  
23 corridors, water resources, and other sensitive  
24 land; and

1           (B) ensuring and improving access to Fed-  
2           eral land and water in the regions for hunting,  
3           fishing, and other forms of outdoor recreation  
4           in a manner consistent with the conservation of  
5           fish and wildlife habitat.

6           (3) AVAILABILITY OF AMOUNTS.—Amounts in  
7           the Fund shall be available for expenditure, in ac-  
8           cordance with this subsection, without further appro-  
9           priation and without fiscal year limitation.

10          (4) INVESTMENT.—

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

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

20          (5) MITIGATION REQUIREMENTS.—The expend-  
21           iture of amounts under this subsection shall be sepa-  
22           rate and distinct from any mitigation requirement  
23           imposed pursuant to any law, regulation, or term or  
24           condition of any lease, right-of-way, or other author-  
25           ization.

1           (c) ALLOCATION FOR PERMITTING AFTER EXPIRA-  
2 TION OF 15-YEAR PERIOD.—

3           (1) CERTIFICATION BY SECRETARY.—At the  
4 end of the 15-year period described in paragraph (4)  
5 of subsection (a), the Secretary shall certify whether  
6 the State offices referred to in that paragraph have  
7 adequately reduced the renewable energy permitting  
8 backlog referred to in that paragraph.

9           (2) ALLOCATION AFTER CERTIFICATION.—If  
10 the Secretary certifies under paragraph (1) that—

11           (A) the State offices referred to in that  
12 paragraph have not adequately reduced the  
13 backlog referred to in that paragraph—

14           (i) the 15-year period described in  
15 subsection (a)(4) shall be extended by an  
16 additional 15-year period; and

17           (ii) payments shall continue to be  
18 made during that period as described in  
19 subsection (a)(4); or

20           (B) the State offices referred to in that  
21 paragraph have adequately reduced the backlog,  
22 of the amount otherwise required to be paid  
23 under subsection (a)(4)—

24           (i)  $\frac{2}{3}$  shall be added to the amount  
25 deposited in the Fund; and

1                   (ii)  $\frac{1}{3}$  shall be deposited into the gen-  
2                   eral fund of the Treasury for purposes of  
3                   reducing the annual Federal budget deficit.

4           (d) PAYMENTS TO STATES AND COUNTIES.—

5                   (1) IN GENERAL.—The amounts paid to States  
6                   and counties under this section shall be used in a  
7                   manner that is consistent with section 35 of the  
8                   Mineral Leasing Act (30 U.S.C. 191).

9                   (2) IMPACTS.—Not less than 35 percent of the  
10                  amounts paid to a State under this section for each  
11                  fiscal year shall be used for the purposes described  
12                  in subsection (b)(2) .

13                  (3) ADDITION TO PILT PAYMENTS.—A payment  
14                  to a county under this section shall be in addition  
15                  to a payment received in lieu of taxes under chapter  
16                  69 of title 31, United States Code.

17 **SEC. 215. STUDY AND REPORT ON MITIGATION BANKING.**

18           (a) STUDY.—

19                   (1) IN GENERAL.—Not later than 180 days  
20                   after the date of enactment of this Act, the Secre-  
21                   taries shall carry out a study to determine the feasi-  
22                   bility of carrying out a mitigation banking program  
23                   on Federal land administered by the Secretaries for  
24                   purposes of fully offsetting the impacts of wind or  
25                   solar energy on that Federal land.

1           (2) CONTENTS.—The study under paragraph

2           (1) shall—

3           (A) identify areas in which—

4                 (i) privately owned land is not avail-  
5                 able to fully offset the impacts of wind or  
6                 solar energy development on Federal land  
7                 administered by the Secretaries; or

8                 (ii) mitigation investments on that  
9                 Federal land are likely to provide greater  
10                conservation value for the impacts of wind  
11                or solar energy development on the Federal  
12                land; and

13           (B) examine—

14                 (i) the effectiveness of laws (including  
15                 regulations) and policies in effect on the  
16                 date of enactment of this Act in facili-  
17                 tating the development and effective oper-  
18                 ation of mitigation banks;

19                 (ii) the advantages and disadvantages  
20                 of using mitigation banks on Federal land  
21                 administered by the Secretaries to mitigate  
22                 impacts to natural resources on private,  
23                 State, and tribal land; and

24                 (iii) any changes in Federal law (in-  
25                 cluding regulations) or policy necessary to

1                   advance development of a Federal mitiga-  
2                   tion banking program.

3           (b) REPORT TO CONGRESS.—Not later than 18  
4 months after the date of enactment of this Act, the Secre-  
5 taries jointly shall submit to Congress a report that in-  
6 cludes—

7           (1) the recommendations of the Secretaries re-  
8           lating to—

9                   (A) the most effective system for Federal  
10                   land administered by the Secretaries to meet  
11                   the goals of facilitating the development of a  
12                   mitigation banking program on Federal land  
13                   administered by the Secretaries; and

14                   (B) any change to Federal law (including  
15                   regulations) or policy necessary to address more  
16                   effectively the siting, development, and manage-  
17                   ment of mitigation banking programs on that  
18                   Federal land to mitigate impacts to natural re-  
19                   sources on private, State, and tribal land; and

20           (2) a description of any administrative action to  
21           be taken by the Secretaries in response to the rec-  
22           ommendations.

23           (c) AVAILABILITY TO THE PUBLIC.—Not later than  
24 30 days after the date on which the report is submitted

1 to Congress under subsection (b), the Secretaries shall  
2 make the report available to the public.

3 **SEC. 216. RENEWABLE ENERGY POTENTIAL AT MILITARY**  
4 **INSTALLATIONS.**

5 (a) IN GENERAL.—Not later than 2 years after the  
6 date of enactment of this Act, the Secretary of Defense,  
7 in consultation with the Secretary, shall conduct, and pre-  
8 pare for States that have not completed a comparable  
9 analysis a report describing the results of, a study that—

10 (1) identifies locations on land withdrawn from  
11 the public domain and reserved for military purposes  
12 that—

13 (A) exhibit a high potential for solar, wind,  
14 geothermal, or other renewable energy produc-  
15 tion;

16 (B) are disturbed or otherwise have com-  
17 paratively low value for other resources; and

18 (C) could be developed for renewable en-  
19 ergy production in a manner consistent with all  
20 present and reasonably foreseeable military  
21 training and operational missions and research,  
22 development, testing, and evaluation require-  
23 ments; and

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

1 of commercial-scale renewable energy projects, in-  
2 cluding the legal authorities governing authorization  
3 for that use.

4 (b) ENVIRONMENTAL IMPACT ANALYSIS.—The Sec-  
5 retary of Defense, in consultation with the Secretary, shall  
6 prepare and publish in the Federal Register a notice of  
7 intent to prepare an environmental impact analysis docu-  
8 ment to support a program to develop renewable energy  
9 on withdrawn military land identified in the study under  
10 subsection (a) as suitable for the production.

11 (c) SUBMISSION TO CONGRESS.—On completion of  
12 the report under subsection (a), the Secretary and the  
13 Secretary of Defense jointly shall submit the report to—

14 (1) the Committee on Armed Services of the  
15 Senate;

16 (2) the Committee on Energy and Natural Re-  
17 sources of the Senate;

18 (3) the Committee on Armed Services of the  
19 House Representatives; and

20 (4) the Committee on Natural Resources of the  
21 House of Representatives.