

118TH CONGRESS
2D SESSION

H. R. 8954

To promote the development of renewable energy on public lands, and for
other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2024

Mr. GOSAR introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote the development of renewable energy on public
lands, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Land Renew-
5 able Energy Development Act of 2024”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

Sec. 4. Limited grandfathering.

Sec. 5. Disposition of revenues.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

5 (A) Federal land administered by the Sec-
6 retary; and

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

9 (i) a land use plan; or

10 (ii) other Federal law.

11 (2) FEDERAL LAND.—The term “Federal land”
12 means—

13 (A) public lands; and

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

18 (3) FUND.—The term “Fund” means the Re-
19 newable Energy Resource Conservation Fund estab-
20 lished by section 5(c)(1).

21 (4) RENEWABLE ENERGY PROJECT.—The term
22 “renewable energy project” means a project carried
23 out on covered land that uses wind, solar, or geo-
24 thermal energy to generate energy.

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 **SEC. 4. LIMITED GRANDFATHERING.**

4 (a) DEFINITION OF PROJECT.—In this section, the
5 term “project” means a system described in section
6 2801.9(a)(4) of title 43, Code of Federal Regulations (as
7 in effect on the date of the enactment of this Act).

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

20 **SEC. 5. DISPOSITION OF REVENUES.**

21 (a) DISPOSITION OF REVENUES.—

22 (1) AVAILABILITY.—Except as provided in
23 paragraph (2), beginning on January 1, 2025, of
24 amounts collected from a wind or solar project as
25 bonus bids, rentals, fees, or other payments under a

1 right-of-way, permit, lease, or other authorization
2 the following shall be made available, without fur-
3 ther appropriation or fiscal year limitation, as fol-
4 lows:

5 (A) Twenty-five percent shall be paid by
6 the Secretary of the Treasury to the State with-
7 in the boundaries of which the revenue is de-
8 rived.

9 (B) Twenty-five percent shall be paid by
10 the Secretary of the Treasury to the one or
11 more counties within the boundaries of which
12 the revenue is derived, to be allocated among
13 the counties based on the percentage of land
14 from which the revenue is derived.

15 (C) Twenty-five percent shall be deposited
16 in the Treasury and be made available to the
17 Secretary to carry out the program established
18 under this Act, including the transfer of the
19 funds by the Bureau of Land Management to
20 other Federal agencies and State agencies to fa-
21 cilitate the processing of renewable energy per-
22 mits on Federal land, with priority given to
23 using the amounts, to the maximum extent
24 practicable without detrimental impacts to
25 emerging markets, to expediting the issuance of

1 permits required for the development of renew-
2 able energy projects in the States from which
3 the revenues are derived.

4 (D) Twenty-five percent shall be deposited
5 in the Renewable Energy Resource Conserva-
6 tion Fund established by subsection (c).

7 (2) EXCEPTIONS.—Paragraph (1) shall not
8 apply to the following:

9 (A) Amounts collected under section
10 504(g) of the Federal Land Policy and Manage-
11 ment Act of 1976 (43 U.S.C. 1764(g)).

12 (B) Amounts deposited into the National
13 Parks and Public Land Legacy Restoration
14 Fund under section 200402(b) of title 54,
15 United States Code.

16 (b) PAYMENTS TO STATES AND COUNTIES.—

17 (1) IN GENERAL.—Amounts paid to States and
18 counties under subsection (a)(1) shall be used con-
19 sistent with section 35 of the Mineral Leasing Act
20 (30 U.S.C. 191).

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

1 (c) RENEWABLE ENERGY RESOURCE CONSERVATION
2 FUND.—

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

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

13 (A) restore and protect—

14 (i) fish and wildlife habitat for af-
15 fected species;

16 (ii) fish and wildlife corridors for af-
17 fected species; and

18 (iii) wetlands, streams, rivers, and
19 other natural water bodies in areas af-
20 fected by wind, geothermal, or solar energy
21 development; and

22 (B) preserve and improve recreational ac-
23 cess to Federal land and water in an affected
24 region through an easement, right-of-way, or
25 other instrument from willing landowners for

1 the purpose of enhancing public access to exist-
2 ing Federal land and water that is inaccessible
3 or restricted.

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

9 (4) INVESTMENT OF FUND.—

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

16 (B) USE.—Interest earned under subpara-
17 graph (A) may be expended in accordance with
18 this subsection.

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

1 (A) the amount collected as described in
2 subsection (a), by source, during that fiscal
3 year;

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

8 (C) the amount remaining in the Fund at
9 the end of the fiscal year.

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

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