

Calendar No. 543

114TH CONGRESS
2^D SESSION

S. 3110

To provide for reforms of the administration of the outer Continental Shelf of the United States, to provide for the development of geothermal, solar, and wind energy on public land, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2016

Mr. CASSIDY (for himself, Ms. MURKOWSKI, Mr. SCOTT, Mr. VITTER, Mr. TILLIS, and Mr. SULLIVAN) introduced the following bill; which was read the first time

JULY 6, 2016

Read the second time and placed on the calendar

A BILL

To provide for reforms of the administration of the outer Continental Shelf of the United States, to provide for the development of geothermal, solar, and wind energy on public land, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “American Energy and Conservation Act of 2016”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ONSHORE AND OFFSHORE ENERGY PRODUCTION
 REFORMS

Sec. 101. Disposition of outer Continental Shelf revenues to Gulf producing States.

Sec. 102. Distribution of revenue to Alaska.

Sec. 103. Disposition of revenues to Atlantic States.

Sec. 104. Limitations on amount of qualified revenues.

Sec. 105. Tribal Resilience Program.

Sec. 106. Tribal Resilience Fund.

Sec. 107. Restoring equity in State mineral revenue sharing.

Sec. 108. Parity in offshore wind revenue sharing.

Sec. 109. Effect.

TITLE II—DEVELOPMENT OF GEOTHERMAL, SOLAR, AND WIND
 ENERGY ON PUBLIC LAND

Sec. 201. Definitions.

Sec. 202. Land use planning; supplements to programmatic environmental impact statements.

Sec. 203. Environmental review on covered land.

Sec. 204. Program to improve renewable energy project permit coordination.

Sec. 205. Disposition of revenues from covered land.

Sec. 206. Savings clause.

TITLE III—CONSERVATION

Sec. 301. National Park Service Maintenance and Revitalization Conservation Fund.

3 **TITLE I—ONSHORE AND OFF-**
 4 **SHORE ENERGY PRODUCTION**
 5 **REFORMS**

6 **SEC. 101. DISPOSITION OF OUTER CONTINENTAL SHELF**
 7 **REVENUES TO GULF PRODUCING STATES.**

8 Section 105 of the Gulf of Mexico Energy Security
 9 Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432)
 10 is amended—

11 (1) in subsection (a)(2)—

1 (A) in subparagraph (A), by striking
2 “and” after the semicolon;

3 (B) in subparagraph (B)—

4 (i) by striking “25” and inserting
5 “22”; and

6 (ii) by striking the period at the end
7 and inserting “; and”; and

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

9 “(C) 3 percent to be used for projects that
10 secure recreational public access to Federal
11 land for hunting, fishing, or other recreational
12 purposes in accordance with section 200306 of
13 title 54, United States Code.”; and

14 (2) in subsection (f), by striking paragraph (1)
15 and inserting the following:

16 “(1) IN GENERAL.—Subject to paragraph (2),
17 the total amount of qualified outer Continental Shelf
18 revenues described in section 102(9)(A)(ii) that are
19 made available under subsection (a)(2) shall not ex-
20 ceed—

21 “(A) for each of fiscal years 2017 through
22 2026, \$500,000,000;

23 “(B) for each of fiscal years 2027 through
24 2036, \$835,000,000; and

1 “(C) for each of fiscal years 2037 through
2 2055, \$705,000,000.”.

3 **SEC. 102. DISTRIBUTION OF REVENUE TO ALASKA.**

4 Section 9 of the Outer Continental Shelf Lands Act
5 (43 U.S.C. 1338) is amended—

6 (1) by striking “All rentals,” and inserting the
7 following:

8 “(a) IN GENERAL.—Except as provided in sub-
9 sections (b) and (c), all rentals,”; and

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

11 “(b) DISTRIBUTION OF REVENUE TO ALASKA.—

12 “(1) DEFINITIONS.—In this subsection:

13 “(A) COASTAL POLITICAL SUBDIVISION.—

14 The term ‘coastal political subdivision’ means a
15 county-equivalent or municipal subdivision of
16 the State—

17 “(i) all or part of which lies within the
18 coastal zone of the State (as defined in
19 section 304 of the Coastal Zone Manage-
20 ment Act of 1972 (16 U.S.C. 1453)); and

21 “(ii)(I) the closest coastal point of
22 which is not more than 200 nautical miles
23 from the geographical center of any leased
24 tract in the Alaska outer Continental Shelf
25 region; or

1 “(II)(aa) the closest point of which is
2 more than 200 nautical miles from the
3 geographical center of a leased tract in the
4 Alaska outer Continental Shelf region; and

5 “(bb) that is determined by the State
6 to be a significant staging area for oil and
7 gas servicing, supply vessels, operations,
8 suppliers, or workers.

9 “(B) QUALIFIED REVENUES.—

10 “(i) IN GENERAL.—The term ‘quali-
11 fied revenues’ means all revenues derived
12 from all rentals, royalties, bonus bids, and
13 other sums due and payable to the United
14 States from energy development in the
15 Alaska outer Continental Shelf region.

16 “(ii) EXCLUSIONS.—The term ‘quali-
17 fied revenues’ does not include revenues
18 generated from leases subject to section
19 8(g).

20 “(C) STATE.—The term ‘State’ means the
21 State of Alaska.

22 “(2) DEPOSIT.—For fiscal year 2027 and each
23 fiscal year thereafter, the Secretary shall deposit—

24 “(A) 50 percent of qualified revenues in
25 the general fund of the Treasury;

1 “(B) 6.25 percent of qualified revenues for
2 the payment in lieu of taxes program estab-
3 lished by section 6902 of title 31, United States
4 Code;

5 “(C) 6.25 percent of qualified revenues in
6 the Tribal Resilience Fund established by sec-
7 tion 106(a) of the American Energy and Con-
8 servation Act of 2016;

9 “(D) 28 percent of qualified revenues in a
10 special account in the Treasury, to be distrib-
11 uted by the Secretary to the State;

12 “(E) 7.5 percent of qualified revenues in a
13 special account in the Treasury, to be distrib-
14 uted by the Secretary to coastal political sub-
15 divisions; and

16 “(F) 2 percent of qualified revenues in the
17 general account of the Denali Commission.

18 “(3) ALLOCATION AMONG COASTAL POLITICAL
19 SUBDIVISIONS.—Of the amount paid by the Sec-
20 retary to coastal political subdivisions under para-
21 graph (2)(E)—

22 “(A) 90 percent shall be allocated in
23 amounts (based on a formula established by the
24 Secretary by regulation) that are inversely pro-
25 portional to the respective distances between

1 the point in each coastal political subdivision
2 that is closest to the geographic center of the
3 applicable leased tract and not more than 200
4 miles from the geographic center of the leased
5 tract; and

6 “(B) 10 percent shall be divided equally
7 among each coastal political subdivision that—

8 “(i) is more than 200 nautical miles
9 from the geographic center of a leased
10 tract; and

11 “(ii) the State of Alaska determines to
12 be a significant staging area for oil and
13 gas servicing, supply vessels, operations,
14 suppliers, or workers.

15 “(4) TIMING.—The amounts required to be de-
16 posited under paragraph (2) for the applicable fiscal
17 year shall be made available in accordance with that
18 paragraph during the fiscal year immediately fol-
19 lowing the applicable fiscal year.

20 “(5) ADMINISTRATION.—Amounts made avail-
21 able under subparagraphs (B) through (F) of para-
22 graph (2) shall—

23 “(A) be made available, without further
24 appropriation, in accordance with this sub-
25 section;

1 “(B) remain available until expended; and

2 “(C) be in addition to any amounts appro-

3 priated under any other provision of law.”.

4 **SEC. 103. DISPOSITION OF REVENUES TO ATLANTIC**
 5 **STATES.**

6 Section 9 of the Outer Continental Shelf Lands Act
 7 (43 U.S.C. 1338) (as amended by section 102) is amended
 8 by adding at the end the following:

9 “(c) DISTRIBUTION OF REVENUE TO ATLANTIC
 10 STATES.—

11 “(1) DEFINITIONS.—In this subsection:

12 “(A) ATLANTIC STATE.—The term ‘Atlan-
 13 tic State’ means any of the following States,
 14 which are adjacent to the South Atlantic plan-
 15 ning area:

16 “(i) Georgia.

17 “(ii) North Carolina.

18 “(iii) South Carolina.

19 “(iv) Virginia.

20 “(B) QUALIFIED REVENUES.—

21 “(i) IN GENERAL.—The term ‘quali-
 22 fied revenues’ means all revenues derived
 23 from all rentals, royalties, bonus bids, and
 24 other sums due and payable to the United

1 States from energy development in the At-
2 lantic planning region.

3 “(ii) EXCLUSIONS.—The term ‘quali-
4 fied revenues’ does not include revenues
5 generated from leases subject to section
6 8(g).

7 “(C) SOUTH ATLANTIC PLANNING AREA.—
8 The term ‘South Atlantic planning area’ means
9 the area of the outer Continental Shelf (as de-
10 fined in section 2 of the Outer Continental
11 Shelf Lands Act (43 U.S.C. 1331)) that is lo-
12 cated between the northern lateral seaward ad-
13 ministrative boundary of the Commonwealth of
14 Virginia and the southernmost lateral seaward
15 administrative boundary of the State of Geor-
16 gia.

17 “(2) DEPOSIT.—For fiscal year 2027 and each
18 fiscal year thereafter—

19 “(A) 50 percent of any qualified revenues
20 shall be deposited in the general fund of the
21 Treasury;

22 “(B) 12.5 percent shall be split equally
23 among, and allocated to, or deposited in, as ap-
24 plicable—

1 “(i) programs for energy efficiency,
2 renewable energy, and nuclear energy at
3 the Department of Energy;

4 “(ii) the National Park Service Crit-
5 ical Maintenance and Revitalization Con-
6 servation Fund established by section
7 104908 of title 54, United States Code, for
8 use in accordance with subsection (c) of
9 that section; and

10 “(iii) the Secretary of Transportation
11 to administer and award TIGER discre-
12 tionary grants; and

13 “(C) 37.5 percent of any qualified revenues
14 shall be deposited in a special account in the
15 Treasury from which the Secretary shall dis-
16 burse amounts to the Atlantic States in accord-
17 ance with paragraph (3).

18 “(3) ALLOCATION TO STATES.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graphs (B) and (C), effective for fiscal year
21 2027 and each fiscal year thereafter, the Sec-
22 retary of the Treasury shall allocate the quali-
23 fied revenues described in paragraph (2)(C) to
24 each Atlantic State in amounts (based on a for-
25 mula established by the Secretary, by regula-

1 tion) that are inversely proportional to the re-
2 spective distances between—

3 “(i) the point on the coastline of each
4 Atlantic State that is closest to the geo-
5 graphical center of the applicable leased
6 tract; and

7 “(ii) the geographical center of that
8 leased tract.

9 “(B) MINIMUM ALLOCATION.—The
10 amount allocated to an Atlantic State for each
11 fiscal year under subparagraph (A) shall be not
12 less than 10 percent of the amounts available
13 under paragraph (2)(C).

14 “(C) STATE ALLOCATION.—Of the
15 amounts received by a State under subpara-
16 graph (A), the Atlantic State may use, at the
17 discretion of the Governor of the State—

18 “(i) 10 percent—

19 “(I) to enhance State land and
20 water conservation efforts;

21 “(II) to improve State public
22 transportation projects;

23 “(III) to establish alternative, re-
24 newable, and clean energy production
25 and generation within each State; and

1 “(IV) to enhance beach nourish-
2 ment and costal dredging; and

3 “(ii) 2.5 percent to enhance geological
4 and geophysical education for the energy
5 future of the United States.

6 “(4) TIMING.—The amounts required to be de-
7 posited under paragraph (2) for the applicable fiscal
8 year shall be made available in accordance with that
9 paragraph during the fiscal year immediately fol-
10 lowing the applicable fiscal year.”.

11 **SEC. 104. LIMITATIONS ON AMOUNT OF QUALIFIED REVE-**
12 **NUES.**

13 Section 9 of the Outer Continental Shelf Lands Act
14 (43 U.S.C. 1338) (as amended by section 103) is amended
15 by adding at the end the following:

16 “(d) LIMITATION ON AMOUNT OF QUALIFIED REVE-
17 NUES.—

18 “(1) IN GENERAL.—The total amount of quali-
19 fied revenues made available under subparagraphs
20 (B), (C), (D), (E), and (F) of subsection (b)(2) and
21 subparagraphs (B) and (C) of subsection (c)(2) shall
22 not exceed—

23 “(A) for each of fiscal years 2027 through
24 2036, \$75,000,000;

1 “(B) for each of fiscal years 2037 through
2 2055, \$205,000,000; and

3 “(C) for each of fiscal years 2056 through
4 2067, \$410,000,000.

5 “(2) PRO RATA REDUCTIONS.—If paragraph (1)
6 limits the amount of qualified revenues that would
7 be paid under subparagraphs (A) and (B) of sub-
8 section (b)(3)—

9 “(A) the Secretary shall reduce the amount
10 of qualified revenues provided to each recipient
11 under those subparagraphs on a pro rata basis;
12 and

13 “(B) any remainder of the qualified reve-
14 nues that would be paid under those subpara-
15 graphs if not for paragraph (1) shall revert to
16 the general fund of the Treasury.”.

17 **SEC. 105. TRIBAL RESILIENCE PROGRAM.**

18 (a) DEFINITION OF INDIAN TRIBE.—In this section,
19 the term “Indian tribe” has the meaning given the term
20 in section 4 of the Indian Self-Determination and Edu-
21 cation Assistance Act (25 U.S.C. 450b).

22 (b) ESTABLISHMENT.—The Secretary shall establish
23 a program—

24 (1) to improve the resilience of Indian tribes to
25 the effects of a changing climate;

1 (2) to support Native American leaders in
2 building strong, resilient communities; and

3 (3) to ensure the development of modern, cost-
4 effective infrastructure.

5 (c) GRANTS.—Subject to the availability of appro-
6 priations and amounts in the Tribal Resilience Fund es-
7 tablished by section 106(a), in carrying out the program
8 described in subsection (b), the Secretary shall make ad-
9 aptation grants, in amounts not to exceed \$200,000,000
10 total per fiscal year, to Indian tribes for eligible activities
11 described in subsection (d).

12 (d) ELIGIBLE ACTIVITIES.—An Indian tribe receiving
13 a grant under subsection (c) may only use grant funds
14 for 1 or more of the following eligible activities:

15 (1) Development and delivery of adaptation
16 training.

17 (2) Adaptation planning, vulnerability assess-
18 ments, emergency preparedness planning, and moni-
19 toring.

20 (3) Capacity building through travel support for
21 training, technical sessions, and cooperative manage-
22 ment forums.

23 (4) Travel support for participation in ocean
24 and coastal planning.

1 (5) Development of science-based information
2 and tools to enable adaptive resource management
3 and the ability to plan for resilience.

4 (6) Relocation of villages or other communities
5 experiencing or susceptible to coastal or river ero-
6 sion.

7 (7) Construction of infrastructure to support
8 emergency evacuations.

9 (8) Restoration or repair of infrastructure dam-
10 aged by melting permafrost or coastal or river ero-
11 sion.

12 (9) Installation and management of energy sys-
13 tems that reduce energy costs and greenhouse gas
14 emissions compared to the energy systems in use be-
15 fore that installation and management.

16 (10) Construction and maintenance of social or
17 cultural infrastructure that the Secretary determines
18 supports resilience.

19 (e) APPLICATIONS.—An Indian tribe desiring an ad-
20 aptation grant under subsection (c) shall submit to the
21 Secretary an application at such time, in such manner,
22 and containing such information as the Secretary may re-
23 quire, including a description of the eligible activities to
24 be undertaken using the grant.

1 (f) CAPITAL PROJECTS.—Of amounts made available
2 to carry out this program, not less than 90 percent shall
3 be used for the engineering, design, and construction or
4 implementation of capital projects.

5 (g) INTERAGENCY COOPERATION.—The Secretary
6 and the Administrator of the Environmental Protection
7 Agency shall establish under the White House Council on
8 Native American Affairs an interagency subgroup on trib-
9 al resilience—

10 (1) to work with Indian tribes to collect and
11 share data and information, including traditional ec-
12 ological knowledge, about how the effects of a chang-
13 ing climate are relevant to Indian tribes and Alaska
14 Natives; and

15 (2) to identify opportunities for the Federal
16 Government to improve collaboration and assist with
17 adaptation and mitigation efforts that promote resil-
18 ience.

19 (h) TRIBAL RESILIENCE LIAISON.—The Secretary
20 shall establish a tribal resilience liaison—

21 (1) to coordinate with Indian tribes and rel-
22 evant Federal agencies; and

23 (2) to help ensure tribal engagement in climate
24 conversations at the Federal level.

1 **SEC. 106. TRIBAL RESILIENCE FUND.**

2 (a) ESTABLISHMENT.—There is established in the
3 Treasury a fund, to be known as the “Tribal Resilience
4 Fund” (referred to in this section as the “Fund”).

5 (b) DEPOSITS.—The Fund shall consist of the fol-
6 lowing:

7 (1) Amounts made available through an appro-
8 priation Act for deposit in the Fund.

9 (2) Amounts deposited into the Fund under
10 subsection (b)(2)(C) of section 9 of the Outer Conti-
11 nental Shelf Lands Act (43 U.S.C. 1338) (as added
12 by section 102(2)).

13 (c) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—In addition to the amounts
15 estimated by the Secretary to be deposited in the
16 Fund under subsection (b), there are authorized to
17 be appropriated annually to the Fund out of any
18 money in the Treasury not otherwise appropriated
19 such amounts as are necessary to make the income
20 of the Fund not more than \$200,000,000 for fiscal
21 year 2027 and each fiscal year thereafter.

22 (2) AVAILABILITY OF DEPOSITS.—

23 (A) IN GENERAL.—Amounts deposited in
24 the Fund under this subsection shall remain
25 available until expended, without fiscal year
26 limitation.

1 (B) USE.—Amounts deposited in the Fund
 2 under this subsection and made available for
 3 obligation or expenditure from the Fund may
 4 be obligated or expended only to carry out the
 5 Tribal Resilience Program under section 105.

6 **SEC. 107. RESTORING EQUITY IN STATE MINERAL REVENUE**

7 **SHARING.**

8 Section 35(b) of the Mineral Leasing Act (30 U.S.C.
 9 191(b)) is amended—

10 (1) by inserting “through fiscal year 2026”
 11 after “thereafter”;

12 (2) by striking “In determining” and inserting
 13 the following:

14 “(1) FISCAL YEARS 2014 THROUGH 2026.—In
 15 determining”; and

16 (3) by adding at the end the following:

17 “(2) FISCAL YEAR 2027 AND THEREAFTER.—In
 18 determining the amount of payments to the States
 19 under this section, beginning in fiscal year 2027 and
 20 for each year thereafter, the amount of such pay-
 21 ments—

22 “(A) shall not be reduced by any adminis-
 23 trative or other costs incurred by the United
 24 States, if the total amount of administrative or
 25 other costs incurred by the United States in an

1 applicable fiscal year is less than \$38,000,000;
2 but

3 “(B) shall be reduced by 2 percent to cover
4 any administrative or other costs incurred by
5 the United States in an applicable fiscal year
6 that exceed \$38,000,000, if the total amount of
7 administrative or other costs incurred by the
8 United States in an applicable fiscal year is at
9 least \$38,000,000.”.

10 **SEC. 108. PARITY IN OFFSHORE WIND REVENUE SHARING.**

11 Section 8(p)(2) of the Outer Continental Shelf Lands
12 Act (43 U.S.C. 1337(p)(2)) is amended—

13 (1) in subparagraph (A), by striking “(A) The
14 Secretary” and inserting the following:

15 “(A) IN GENERAL.—Subject to subpara-
16 graphs (B) and (C), the Secretary”;

17 (2) by striking subparagraph (B) and inserting
18 the following:

19 “(B) PAYMENTS TO STATES.—

20 “(i) IN GENERAL.—The Secretary
21 shall provide for the payment of the reve-
22 nues received by the Federal Government
23 as a result of payments under this section
24 from projects that are located wholly or
25 partially within the area extending 3 nau-

1 tical miles seaward of State submerged
2 land, in the following percentages:

3 “(I) For each fiscal year through
4 fiscal year 2026, 27 percent.

5 “(II) For fiscal year 2027 and
6 each fiscal year thereafter, 37.5 per-
7 cent.

8 “(ii) FORMULA.—Payments under
9 clause (i) shall be made based on a for-
10 mula established by the Secretary by rule-
11 making not later than 180 days after the
12 date of enactment of the American Energy
13 and Conservation Act of 2016 that pro-
14 vides for equitable distribution, based on
15 proximity to the project, among coastal
16 States that have a coastline that is located
17 within 30 miles of the geographic center of
18 the project.”; and

19 (3) by adding at the end the following:

20 “(C) LIMITATION.—The total amount of
21 revenues made available under subparagraph
22 (B)(i)(II) shall not exceed for any fiscal year
23 \$11,000,000.”.

1 **SEC. 109. EFFECT.**

2 Nothing in this title or an amendment made by this
3 title opens for leasing any area on the outer Continental
4 Shelf that is—

5 (1) subject to a moratorium under section 104
6 of the Gulf of Mexico Energy Security Act of 2006
7 (43 U.S.C. 1331 note; Public Law 109–432); or

8 (2) off the Atlantic coast of the State of Flor-
9 ida.

10 **TITLE II—DEVELOPMENT OF**
11 **GEOHERMAL, SOLAR, AND**
12 **WIND ENERGY ON PUBLIC**
13 **LAND**

14 **SEC. 201. DEFINITIONS.**

15 In this title:

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

18 (A) public land administered by the Sec-
19 retary; and

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

22 (i) a land use plan established under
23 the Federal Land Policy and Management
24 Act of 1976 (43 U.S.C. 1701 et seq.); or

25 (ii) other Federal law.

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

5 (3) FEDERAL LAND.—The term “Federal land”
6 means—

7 (A) National Forest System land (as de-
8 fined in section 11(a) of the Forest and Range-
9 land Renewable Resources Planning Act of
10 1974 (16 U.S.C. 1609(a))); or

11 (B) public land.

12 (4) FUND.—The term “Fund” means the Re-
13 newable Energy Resource Conservation Fund estab-
14 lished by section 205(c).

15 (5) PRIORITY AREA.—The term “priority area”
16 means covered land identified by the land use plan-
17 ning process of the Bureau of Land Management as
18 being a preferred location for a renewable energy
19 project.

20 (6) PUBLIC LAND.—The term “public land”
21 has the meaning given the term “public lands” in
22 section 103 of the Federal Land Policy and Manage-
23 ment Act of 1976 (43 U.S.C. 1702).

24 (7) RENEWABLE ENERGY PROJECT.—The term
25 “renewable energy project” means a project carried

1 out on covered land that uses wind, solar, or geo-
 2 thermal energy to generate energy.

3 (8) SECRETARY.—The term “Secretary” means
 4 the Secretary of the Interior.

5 (9) VARIANCE AREA.—The term “variance
 6 area” means covered land that is—

7 (A) not an exclusion area; and

8 (B) not a priority area.

9 **SEC. 202. LAND USE PLANNING; SUPPLEMENTS TO PRO-**
 10 **GRAMMATIC ENVIRONMENTAL IMPACT**
 11 **STATEMENTS.**

12 (a) PRIORITY AREAS.—

13 (1) IN GENERAL.—The Secretary, in consulta-
 14 tion with the Secretary of Energy, shall establish
 15 priority areas on covered land for geothermal, solar,
 16 and wind energy projects.

17 (2) DEADLINE.—

18 (A) GEOTHERMAL ENERGY.—For geo-
 19 thermal energy, the Secretary shall establish
 20 priority areas as soon as practicable, but not
 21 later than 5 years, after the date of enactment
 22 of this Act.

23 (B) SOLAR ENERGY.—For solar energy,
 24 the solar energy zones established by the 2012
 25 western solar plan of the Bureau of Land Man-

1 agement shall be considered to be priority areas
2 for solar energy projects.

3 (C) WIND ENERGY.—For wind energy, the
4 Secretary shall establish priority areas as soon
5 as practicable, but not later than 3 years, after
6 the date of enactment of this Act.

7 (b) VARIANCE AREAS.—To the maximum extent
8 practicable, variance areas shall be considered for renew-
9 able energy project development, consistent with the prin-
10 ciples of multiple use as defined in the Federal Land Pol-
11 icy and Management Act of 1976 (43 U.S.C. 1701 et
12 seq.).

13 (c) REVIEW AND MODIFICATION.—Not less fre-
14 quently than once every 10 years, the Secretary shall—

15 (1) review the adequacy of land allocations for
16 geothermal, solar, and wind energy priority and vari-
17 ance areas for the purpose of encouraging new re-
18 newable energy development opportunities; and

19 (2) based on the review carried out under para-
20 graph (1), add, modify, or eliminate priority, vari-
21 ance, and exclusion areas.

22 (d) COMPLIANCE WITH THE NATIONAL ENVIRON-
23 MENTAL POLICY ACT.—For purposes of this section, com-
24 pliance with the National Environmental Policy Act of
25 1969 (42 U.S.C. 4321 et seq.) shall be accomplished—

1 (1) for geothermal energy, by supplementing
2 the October 2008 final programmatic environmental
3 impact statement for geothermal leasing in the west-
4 ern United States;

5 (2) for solar energy, by supplementing the July
6 2012 final programmatic environmental impact
7 statement for solar energy projects; and

8 (3) for wind energy, by supplementing the July
9 2005 final programmatic environmental impact
10 statement for wind energy projects.

11 (e) NO EFFECT ON PROCESSING APPLICATIONS.—A
12 requirement to prepare a supplement to a programmatic
13 environmental impact statement under this section shall
14 not result in any delay in processing an application for
15 a renewable energy project.

16 (f) COORDINATION.—In developing a supplement re-
17 quired by this section, the Secretary shall coordinate, on
18 an ongoing basis, with appropriate State, tribal, and local
19 governments, transmission infrastructure owners and op-
20 erators, developers, and other appropriate entities to en-
21 sure that priority areas identified by the Secretary are—

22 (1) economically viable (including having access
23 to transmission);

1 (2) likely to minimize conflict with habitat for
2 animals and plants, recreation, and other uses of
3 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.

8 (g) REMOVAL FROM CLASSIFICATION.—In carrying
9 out subsections (a), (b), and (c), if the Secretary deter-
10 mines an area previously suited for development should
11 be removed from priority or variance classification, not
12 later than 90 days after the date of the determination,
13 the Secretary shall submit to Congress a report on the
14 determination.

15 **SEC. 203. ENVIRONMENTAL REVIEW ON COVERED LAND.**

16 (a) IN GENERAL.—If the Secretary determines that
17 a proposed renewable energy project has been sufficiently
18 analyzed by a programmatic environmental impact state-
19 ment conducted under section 202, the Secretary shall not
20 require any additional review under the National Environ-
21 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

22 (b) ADDITIONAL ENVIRONMENTAL REVIEW.—If the
23 Secretary determines that additional environmental review
24 under the National Environmental Policy Act of 1969 (42
25 U.S.C. 4321 et seq.) is necessary for a proposed renewable

1 energy project, the Secretary shall rely on the analysis in
2 the programmatic environmental impact statement con-
3 ducted under section 202, to the maximum extent prac-
4 ticable when analyzing the potential impacts of the
5 project.

6 **SEC. 204. PROGRAM TO IMPROVE RENEWABLE ENERGY**
7 **PROJECT PERMIT COORDINATION.**

8 (a) ESTABLISHMENT.—The Secretary shall establish
9 a program to improve Federal permit coordination with
10 respect to renewable energy projects on covered land.

11 (b) MEMORANDUM OF UNDERSTANDING.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of this Act, the Sec-
14 retary shall enter into a memorandum of under-
15 standing for purposes of this section, including to
16 specifically expedite the environmental analysis of
17 applications for projects proposed in a variance area,
18 with—

19 (A) the Secretary of Agriculture; and

20 (B) the Assistant Secretary of the Army
21 for Civil Works.

22 (2) STATE PARTICIPATION.—The Secretary
23 may request the Governor of any interested State to
24 be a signatory to the memorandum of understanding
25 under paragraph (1).

1 (c) DESIGNATION OF QUALIFIED STAFF.—

2 (1) IN GENERAL.—Not later than 90 days after
3 the date on which the memorandum of under-
4 standing under subsection (b) is executed, all Fed-
5 eral signatories, as appropriate, shall identify for
6 each of the Bureau of Land Management Renewable
7 Energy Coordination Offices an employee who has
8 expertise in the regulatory issues relating to the of-
9 fice in which the employee is employed, including, as
10 applicable, particular expertise in—

11 (A) consultation regarding, and prepara-
12 tion of, biological opinions under section 7 of
13 the Endangered Species Act of 1973 (16 U.S.C.
14 1536);

15 (B) permits under section 404 of Federal
16 Water Pollution Control Act (33 U.S.C. 1344);

17 (C) regulatory matters under the Clean Air
18 Act (42 U.S.C. 7401 et seq.);

19 (D) planning under section 14 of the Na-
20 tional Forest Management Act of 1976 (16
21 U.S.C. 472a);

22 (E) the Federal Land Policy and Manage-
23 ment Act of 1976 (43 U.S.C. 1701 et seq.);

24 (F) the Migratory Bird Treaty Act (16
25 U.S.C. 703 et seq.); and

1 (G) the preparation of analyses under the
2 National Environmental Policy Act of 1969 (42
3 U.S.C. 4321 et seq.).

4 (2) DUTIES.—Each employee assigned under
5 paragraph (1) shall—

6 (A) be responsible for addressing all issues
7 relating to the jurisdiction of the home office or
8 agency of the employee; and

9 (B) participate as part of the team of per-
10 sonnel working on proposed energy projects,
11 planning, monitoring, inspection, enforcement,
12 and environmental analyses.

13 (d) ADDITIONAL PERSONNEL.—The Secretary may
14 assign additional personnel for the renewable energy co-
15 ordination offices as are necessary to ensure the effective
16 implementation of any programs administered by those of-
17 fices, including inspection and enforcement relating to re-
18 newable energy project development on covered land, in
19 accordance with the multiple use mandate of the Federal
20 Land Policy and Management Act of 1976 (43 U.S.C.
21 1701 et seq.).

22 (e) RENEWABLE ENERGY COORDINATION OF-
23 FICES.—In implementing the program established under
24 this section, the Secretary may establish additional renew-
25 able energy coordination offices or temporarily assign the

1 qualified staff described in subsection (c) to a State, dis-
2 trict, or field office of the Bureau of Land Management
3 to expedite the permitting of renewable energy projects as
4 the Secretary determines to be necessary.

5 (f) REPORT TO CONGRESS.—

6 (1) IN GENERAL.—Not later than February 1
7 of the first fiscal year beginning after the date of en-
8 actment of this Act, and each February 1 thereafter,
9 the Secretary shall submit to the Committee on En-
10 ergy and Natural Resources of the Senate and the
11 Committee on Natural Resources of the House of
12 Representatives a report describing the progress
13 made pursuant to the program under this title dur-
14 ing the preceding year.

15 (2) INCLUSIONS.—Each report under this sub-
16 section shall include—

17 (A) projections for renewable energy pro-
18 duction and capacity installations; and

19 (B) a description of any problems relating
20 to leasing, permitting, siting, or production.

21 **SEC. 205. DISPOSITION OF REVENUES FROM COVERED**
22 **LAND.**

23 (a) DISPOSITION OF REVENUES.—

24 (1) IN GENERAL.—Subject to paragraph (2),
25 for fiscal year 2027 and each fiscal year thereafter,

1 without further appropriation and without fiscal
2 year limitation, of the amounts collected as bonus
3 bids, rentals, fees, or other payments under a right-
4 of-way, permit, lease, or other authorization (other
5 than under section 504(g) of the Federal Land Pol-
6 icy and Management Act of 1976 (43 U.S.C.
7 1764(g))) for the development of wind or solar en-
8 ergy on covered land—

9 (A) 25 percent shall be paid by the Sec-
10 retary of the Treasury to the State within the
11 boundaries of which the revenue is derived;

12 (B) 25 percent shall be paid by the Sec-
13 retary of the Treasury to the 1 or more coun-
14 ties within the boundaries of which the revenue
15 is derived, to be allocated among the counties
16 based on the percentage of the covered land
17 from which the revenue is derived in each coun-
18 ty;

19 (C) 15 percent shall be deposited in the
20 Treasury and be made available to the Sec-
21 retary to carry out the program established
22 under section 204(a), including the transfer of
23 the funds by the Director of the Bureau of
24 Land Management to other Federal agencies
25 and State agencies to facilitate the processing

1 of renewable energy permits on covered land,
2 with priority given to using the amounts, to the
3 maximum extent practicable, to expedite the
4 issuance of permits required for the develop-
5 ment of renewable energy projects in the States
6 from which the revenues are derived;

7 (D) 25 percent shall be deposited in the
8 Fund; and

9 (E) 10 percent shall be deposited in the
10 general fund of the Treasury.

11 (2) LIMITATION.—The total amount made
12 available under subparagraphs (A), (B), (C), and
13 (D) of paragraph (1) shall not exceed for any fiscal
14 year \$40,000,000.

15 (b) PAYMENTS TO STATES AND COUNTIES.—

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

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

24 (c) RENEWABLE ENERGY RESOURCE CONSERVATION
25 FUND.—

1 (1) IN GENERAL.—There is established in the
2 Treasury a fund, to be known as the “Renewable
3 Energy Resource Conservation Fund” (referred to in
4 this subsection as the “Fund”), to be administered
5 by the Secretary, in consultation with the Secretary
6 of Agriculture, for distribution in regions in which a
7 renewable energy project is located on covered land.

8 (2) USE.—

9 (A) IN GENERAL.—Amounts in the Fund
10 shall be available to the Secretary and the Sec-
11 retary of Agriculture, who may make amounts
12 available from the Fund to other Federal, trib-
13 al, or State agencies for distribution in regions
14 in which renewable energy projects are located
15 on covered land, for the purposes described in
16 subparagraph (B).

17 (B) PURPOSES.—The purposes referred to
18 in subparagraph (A) are—

19 (i) restoring and protecting—

20 (I) fish and wildlife habitat for
21 affected species;

22 (II) fish and wildlife corridors for
23 affected species; and

1 (III) water resources in areas af-
2 fected by wind, geothermal, or solar
3 energy development; and
4 (ii) preserving and improving rec-
5 reational access to Federal land and water
6 in an affected region through an easement,
7 right-of-way, or other instrument acquired
8 from willing landowners for the purpose of
9 enhancing public access to existing Federal
10 land and water that is inaccessible or sig-
11 nificantly restricted.

12 (3) COOPERATIVE AGREEMENT.—The Secretary
13 may enter into cooperative agreements with State
14 and tribal agencies, nonprofit organizations, and
15 other appropriate entities to carry out the activities
16 described in paragraph (2).

17 (4) INVESTMENT OF FUND.—

18 (A) IN GENERAL.—Any amounts deposited
19 in the Fund shall earn interest in an amount
20 determined by the Secretary of the Treasury on
21 the basis of the current average market yield on
22 outstanding marketable obligations of the
23 United States of comparable maturities.

1 (B) USE.—Any interest earned under sub-
2 paragraph (A) may be expended in accordance
3 with this subsection.

4 (5) INTENT OF CONGRESS.—It is the intent of
5 Congress that the amounts made available from the
6 Fund shall supplement and not supplant annual ap-
7 propriations for activities described in paragraph
8 (2).

9 **SEC. 206. SAVINGS CLAUSE.**

10 Notwithstanding any other provision of this title, the
11 Secretary shall continue to manage the covered land in
12 accordance with the principles of multiple use and sus-
13 tained yield (as those terms are defined in section 103 of
14 the Federal Land Policy and Management Act of 1976
15 (43 U.S.C. 1702)), including giving due consideration to
16 mineral and nonrenewable energy-related projects and
17 other nonrenewable energy uses, for the purposes of land
18 use planning, permit processing, and conducting environ-
19 mental reviews with respect to the covered land.

20 **TITLE III—CONSERVATION**

21 **SEC. 301. NATIONAL PARK SERVICE MAINTENANCE AND**
22 **REVITALIZATION CONSERVATION FUND.**

23 (a) IN GENERAL.—Chapter 1049 of title 54, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 **“§ 104908. National Park Service Maintenance and**
2 **Revitalization Conservation Fund**

3 “(a) IN GENERAL.—There is established in the
4 Treasury a fund, to be known as the ‘National Park Serv-
5 ice Critical Maintenance and Revitalization Conservation
6 Fund’ (referred to in this section as the ‘Fund’), con-
7 sisting off such amounts as are deposited under subsection
8 (c)(2)(B)(ii) of section 9 of the Outer Continental Shelf
9 Lands Act (43 U.S.C. 1338).

10 “(b) USE AND AVAILABILITY.—

11 “(1) IN GENERAL.—Amounts deposited in the
12 Fund shall—

13 “(A) be used only for the purposes de-
14 scribed in subsection (c); and

15 “(B) be available for expenditure only after
16 the amounts are appropriated for those pur-
17 poses.

18 “(2) AVAILABILITY.—Any amounts in the Fund
19 not appropriated shall remain available in the Fund
20 until appropriated.

21 “(3) NO LIMITATION.—Appropriations from the
22 Fund pursuant to this section may be made without
23 fiscal year limitation.

24 “(c) NATIONAL PARK SYSTEM CRITICAL DEFERRED
25 MAINTENANCE.—The Secretary shall use amounts appro-
26 priated from the Fund for high-priority deferred mainte-

1 nance needs of the Service that support critical infrastruc-
2 ture and visitor services.

3 “(d) LAND ACQUISITION PROHIBITION.—Amounts in
4 the Fund shall not be used for land acquisition.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 for chapter 1049 of title 54, United States Code, is
7 amended by inserting after the item relating to section
8 104907 the following:

“§104908. National Park Service Maintenance and Revitalization Conservation
Fund.”.

Calendar No. 543

114TH CONGRESS
2^D SESSION

S. 3110

A BILL

To provide for reforms of the administration of the outer Continental Shelf of the United States, to provide for the development of geothermal, solar, and wind energy on public land, and for other purposes.

JULY 6, 2016

Read the second time and placed on the calendar