

110TH CONGRESS  
2D SESSION

# S. 3133

To direct the Secretary of the Interior to establish an annual production incentive fee with respect to Federal onshore and offshore land that is subject to a lease for production of oil or natural gas under which production is not occurring, to authorize use of the fee for energy efficiency and renewable energy projects, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

JUNE 12, 2008

Mr. DODD (for himself, Mr. DURBIN, and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

## A BILL

To direct the Secretary of the Interior to establish an annual production incentive fee with respect to Federal onshore and offshore land that is subject to a lease for production of oil or natural gas under which production is not occurring, to authorize use of the fee for energy efficiency and renewable energy projects, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Responsible Ownership  
3 of Public Land Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) COVERED LEASE.—The term “covered  
7 lease” means a lease for the production of oil or nat-  
8 ural gas under which production is not occurring.

9 (2) FEE.—The term “fee” means the produc-  
10 tion incentive fee established under section 3(a).

11 (3) FUND.—The term “Fund” means the En-  
12 ergy Efficiency and Renewable Energy Fund estab-  
13 lished by section 4(a).

14 (4) SECRETARY.—The term “Secretary” means  
15 the Secretary of the Interior.

16 **SEC. 3. PRODUCTION INCENTIVE FEE.**

17 (a) IN GENERAL.—Not later than 180 days after the  
18 date of enactment of this Act, the Secretary shall promul-  
19 gate regulations to establish an annual production incen-  
20 tive fee with respect to Federal onshore and offshore land  
21 that is subject to a covered lease.

22 (b) APPLICABILITY.—The fee shall apply to land that  
23 is subject to any covered lease that is in effect on, or  
24 issued after, the date on which final regulations are pro-  
25 mulgated under subsection (a).

1 (c) AMOUNT.—For each acre of land subject to a cov-  
 2 ered lease from which oil or natural gas is produced for  
 3 less than 90 days in a calendar year, the fee shall be equal  
 4 to—

5 (1) \$5 per acre for the first 3 years of the cov-  
 6 ered lease after the date of enactment of this Act;

7 (2) \$25 per acre for the fourth year of the cov-  
 8 ered lease after the date of enactment of this Act;  
 9 and

10 (3) \$50 per acre for the fifth year of the cov-  
 11 ered lease and each year thereafter for which the  
 12 covered lease is in effect after the date of enactment  
 13 of this Act.

14 (d) ASSESSMENT AND COLLECTION.—The Secretary  
 15 shall assess and collect the fee.

16 (e) REGULATIONS.—The Secretary may promulgate  
 17 regulations to carry out this section, including prevention  
 18 of evasion of the fee.

19 **SEC. 4. ENERGY EFFICIENCY AND RENEWABLE ENERGY**  
 20 **FUND.**

21 (a) ESTABLISHMENT.—There is established in the  
 22 Treasury of the United States a separate account, which  
 23 shall be known as the “Energy Efficiency and Renewable  
 24 Energy Fund”, consisting of such amounts as are appro-  
 25 priated to the Fund under subsection (b).

1       (b) TRANSFERS TO FUND.—There are appropriated  
2 to the Fund, out of funds of the Treasury not otherwise  
3 appropriated, amounts equivalent to amounts collected as  
4 fees and received in the Treasury under section 3.

5       (c) USE.—Subject to appropriations, of the amounts  
6 in the Fund for each fiscal year—

7           (1) \$100,000,000 shall be made available for  
8 necessary expenses for a program to accelerate the  
9 research, development, demonstration, and deploy-  
10 ment of solar energy technologies and any public  
11 education and outreach materials under the pro-  
12 gram, as authorized under section 931(a)(2)(A) of  
13 the Energy Policy Act of 2005 (42 U.S.C.  
14 16231(a)(2)(A));

15          (2) \$65,000,000 shall be made available for  
16 necessary expenses for a program to support the de-  
17 velopment of next-generation wind turbines, includ-  
18 ing turbines capable of operating in areas with low  
19 wind speeds, as authorized under section  
20 931(a)(2)(B) of the Energy Policy Act of 2005 (42  
21 U.S.C. 16231(a)(2)(B));

22          (3) \$200,000,000 shall be transferred to the  
23 “Weatherization Assistance Program” account, for a  
24 program to weatherize low income housing, as au-  
25 thorized under section 411 of the Energy Independ-

1       ence and Security Act of 2007 (12 Stat. 1600) (and  
2       the amendments made by that section);

3           (4) \$70,000,000 shall be made available for  
4       necessary expenses for a program to accelerate the  
5       research, development, demonstration, and deploy-  
6       ment of new technologies to improve the energy effi-  
7       ciency of and reduce greenhouse gas emissions from  
8       buildings, as authorized under—

9           (A) section 321(g) of the Energy Inde-  
10       pendence and Security Act of 2007 (42 U.S.C.  
11       6295 note; Public Law 110–140);

12          (B) section 422 of the Energy Independ-  
13       ence and Security Act of 2007 (42 U.S.C.  
14       17082); and

15          (C) section 912 of the Energy Policy Act  
16       of 2005 (42 U.S.C. 16192);

17       (5) \$30,000,000 shall be made available for  
18       necessary expenses for a program to accelerate basic  
19       research on energy storage systems to support elec-  
20       tric drive vehicles, stationary applications, and elec-  
21       tricity transmission and distribution, as authorized  
22       under section 641(f) of the Energy Independence  
23       and Security Act of 2007 (42 U.S.C. 17231(f));

24       (6) \$30,000,000 shall be made available for a  
25       program to accelerate applied research on energy

1 storage systems to support electric drive vehicles,  
2 stationary applications, and electricity transmission  
3 and distribution as authorized under section 641(g)  
4 of the Energy Independence and Security Act of  
5 2007 (42 U.S.C. 17231(g));

6 (7) \$20,000,000 shall be made available for en-  
7 ergy storage systems demonstrations as authorized  
8 under section 641(i) of the Energy Independence  
9 and Security Act of 2007 (42 U.S.C. 17231(i));

10 (8) \$20,000,000 shall be made available for ve-  
11 hicle energy storage systems demonstrations as au-  
12 thorized under section 641(j) of the Energy Inde-  
13 pendence and Security Act of 2007 (42 U.S.C.  
14 17231(j));

15 (9) \$40,000,000 shall be made available for  
16 necessary expenses for research, development, and  
17 demonstration on advanced, cost-effective tech-  
18 nologies to improve the energy efficiency and envi-  
19 ronmental performance of vehicles, as authorized  
20 under section 911(a)(2)(A) of the Energy Policy Act  
21 of 2005 (42 U.S.C. 16191(a)(2)(A));

22 (10) \$50,000,000 shall be made available for  
23 audits, investigations, and environmental mitigation  
24 for oil and gas production by the Department of In-  
25 terior; and

1           (11) the remainder shall be made available for  
2       use for the low-income home energy assistance pro-  
3       gram established under the Low-Income Home En-  
4       ergy Assistance Act of 1981 (42 U.S.C. 8621 et  
5       seq.).

○