

(3) Status of reclamation land

The criteria established under subsection (a) shall require that any land to be conveyed out of Federal ownership under this chapter is—

- (A) land acquired by the Secretary; or
- (B) land withdrawn by the Secretary, only if—
 - (i) the Secretary determines in writing that the withdrawn land is encumbered by facilities to the extent that the withdrawn land is unsuitable for return to the public domain; and
 - (ii) the qualifying entity agrees to pay fair market value based on historical or existing uses for the withdrawn land to be conveyed.

(c) Hold harmless

No conveyance under this chapter shall adversely impact applicable Federal power rates, repayment obligations, or other project power uses.

(Pub. L. 116-9, title VIII, § 8004, Mar. 12, 2019, 133 Stat. 806.)

Editorial Notes

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in subsec. (b)(2)(C), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, which is classified principally to chapter 35 (§1531 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of Title 16 and Tables.

§ 2905. Liability

(a) In general

Effective on the date of conveyance of any eligible facility under this chapter, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the eligible facility, other than damages caused by acts of negligence committed by the United States or by agents or employees of the United States prior to the date of the conveyance.

(b) Effect

Nothing in this section increases the liability of the United States beyond that currently provided in chapter 171 of title 28 (commonly known as the “Federal Tort Claims Act”).

(Pub. L. 116-9, title VIII, § 8005, Mar. 12, 2019, 133 Stat. 808.)

§ 2906. Benefits

After a conveyance of an eligible facility under this chapter—

- (1) the conveyed property shall no longer be considered to be part of a Reclamation project;
- (2) except as provided in paragraph (3), the qualifying entity to which the conveyed property is conveyed shall not be eligible to receive any benefits, including project use power, with respect to the conveyed property, except for any benefit that would be available to a similarly situated entity with respect to property that is not a part of a Reclamation project; and

(3) the qualifying entity to which the conveyed property is conveyed may be eligible to receive project use power if—

- (A) the qualifying entity is receiving project use power as of March 12, 2019;
- (B) the project use power will be used for the delivery of Reclamation project water; and
- (C) the Secretary and the qualifying entity enter into an agreement under which the qualifying entity agrees to continue to be responsible for a proportionate share of operation and maintenance and capital costs for the Federal facilities that generate and deliver, if applicable, power used for delivery of Reclamation project water after the date of conveyance, in accordance with Reclamation project use power rates.

(Pub. L. 116-9, title VIII, § 8006, Mar. 12, 2019, 133 Stat. 808.)

§ 2907. Compliance with other laws

(a) In general

Before conveying an eligible facility under this chapter, the Secretary shall comply with all applicable Federal environmental laws, including—

- (1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
- (2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and
- (3) subtitle III of title 54.

(b) Sense of Congress

It is the sense of Congress that any Federal permitting and review processes required with respect to a conveyance of an eligible facility under this chapter should be completed with the maximum efficiency and effectiveness.

(Pub. L. 116-9, title VIII, § 8007, Mar. 12, 2019, 133 Stat. 808.)

Editorial Notes

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (a)(1), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Endangered Species Act of 1973, referred to in subsec. (a)(2), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, which is classified principally to chapter 35 (§1531 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of Title 16 and Tables.

CHAPTER 48—RENEWABLE ENERGY PRODUCTION ON FEDERAL LAND

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§ 3001. Definitions

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