

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- (B) land withdrawn by the Secretary, only if—
 - (i) the Secretary determines in writing that the withdrawn land is encumbered by facilities to the extent that the withdrawn land is unsuitable for return to the public domain; and
 - (ii) the qualifying entity agrees to pay fair market value based on historical or existing uses for the withdrawn land to be conveyed.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

In this chapter:

(1) Covered land

The term “covered land” means land that is—

- (A) Federal lands administered by the Secretary concerned; and
- (B) not excluded from the development of geothermal, solar, or wind energy under—
 - (i) a land use plan; or
 - (ii) other Federal law.

(2) Federal land

The term “Federal land” means—

- (A) public land as defined by section 103 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1702); or
- (B) land of the National Forest System (as defined in section 1609(a) of title 16).

(3) Land use plan

The term “land use plan” means—

- (A) for public land, a land use plan established under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and
- (B) for National Forest System land, a land management plan approved, amended, or revised under section 1604 of title 16.

(4) Eligible project

The term “eligible project” means a project carried out on covered land that uses wind, solar, or geothermal energy to generate energy.

(5) Secretary

The term “Secretary” means the Secretary of the Interior.

(Pub. L. 116–260, div. Z, title III, § 3101, Dec. 27, 2020, 134 Stat. 2513.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this subtitle”, meaning subtitle B (§§ 3101–3106) of title III of div. Z of Pub. L. 116–260, Dec. 27, 2020, 134 Stat. 2513, which is classified principally to this chapter. For complete classification of subtitle B to the Code, see Tables.

The Federal Land Policy and Management Act of 1976, referred to in par. (3)(A), is Pub. L. 94–579, Oct. 21, 1976, 90 Stat. 2743, which is classified principally to chapter 35 (§ 1701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of this title and Tables.

§ 3002. Program to improve eligible project permit coordination**(a) Establishment**

The Secretary shall establish a national Renewable Energy Coordination Office and State, district, or field offices, as appropriate, with responsibility to establish and implement a program to improve Federal permit coordination with respect to eligible projects on covered land and such other activities as the Secretary determines necessary. In carrying out the program, the Secretary may temporarily assign qualified staff to Renewable Energy Coordination Offices to expedite the permitting of eligible projects.

(b) Memorandum of understanding**(1) In general**

Not later than 180 days after December 27, 2020, the Secretary shall enter into a memo-

randum of understanding for purposes of this section with—

- (A) the Secretary of Agriculture;
- (B) the Administrator of the Environmental Protection Agency; and
- (C) the Secretary of Defense.

(2) State and tribal participation

The Secretary may request the Governor of any interested State or any Tribal leader of any interested Indian Tribe (as defined in section 5304 of title 25) to be a signatory to the memorandum of understanding under paragraph (1).

(c) Designation of qualified staff**(1) In general**

Not later than 30 days after the date on which the memorandum of understanding under subsection (b) is executed, all Federal signatories, as appropriate, shall identify for each of the Bureau of Land Management Renewable Energy Coordination Offices one or more employees who have expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) consultation regarding, and preparation of, biological opinions under section 1536 of title 16;

(B) permits under section 1344 of title 33;

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

(D) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(G) implementation of the requirements of section 306108 of title 54 (formerly known as section 106 of the National Historic Preservation Act);

(H) planning under section 472a of title 16;

(I) developing geothermal resources under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(J) the Act of June 8, 1940 (16 U.S.C. 668 et seq., popularly known as the Bald and Golden Eagle Protection Act); and

(K) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753 and 102101 of title 54 (previously known as the National Park Service Organic Act).

(2) Duties

Each employee assigned under paragraph (1) shall—

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

(B) participate as part of the team of personnel working on proposed energy projects, planning, monitoring, inspection, enforcement, and environmental analyses.

(d) Additional personnel

The Secretary may assign such additional personnel for the Bureau of Land Management Renewable Energy Coordination Offices as are necessary to ensure the effective implementation of