

any programs administered by the offices in accordance with the multiple use mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) Transfer of funds

To facilitate the coordination and processing of eligible project permits on Federal land under the Renewable Energy Coordination Offices, the Secretary may authorize the expenditure or transfer of any funds that are necessary to—

- (1) the United States Fish and Wildlife Service;
- (2) the Bureau of Indian Affairs;
- (3) the Forest Service;
- (4) the Corps of Engineers;
- (5) the National Park Service;
- (6) the Environmental Protection Agency; or
- (7) the Department of Defense.

(f) Report to Congress

(1) In general

Not later than February 1 of the first fiscal year beginning after December 27, 2020, and each February 1 thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the progress made under the program established under subsection (a) during the preceding year.

(2) Inclusions

Each report under this subsection shall include—

- (A) projections for renewable energy production and capacity installations; and
- (B) a description of any problems relating to leasing, permitting, siting, or production.

(Pub. L. 116–260, div. Z, title III, §3102, Dec. 27, 2020, 134 Stat. 2514.)

Editorial Notes

REFERENCES IN TEXT

The Clean Air Act, referred to in subsec. (c)(1)(C), is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§7401 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 7401 of Title 42 and Tables.

The Federal Land Policy and Management Act of 1976, referred to in subsecs. (c)(1)(D) and (d), 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.

The Migratory Bird Treaty Act, referred to in subsec. (c)(1)(E), is act July 3, 1918, ch. 128, 40 Stat. 755, which is classified generally to subchapter II (§703 et seq.) of chapter 7 of Title 16, Conservation. For complete classification of this Act to the Code, see section 710 of Title 16 and Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (c)(1)(F), 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 Geothermal Steam Act of 1970, referred to in subsec. (c)(1)(I), is Pub. L. 91–581, Dec. 24, 1970, 84 Stat. 1566,

which is classified principally to chapter 23 (§1001 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 30 and Tables.

Act of June 8, 1940, referred to in subsec. (c)(1)(J), is act June 8, 1940, ch. 278, 54 Stat. 250, popularly known as the “Bald and Golden Eagle Protection Act” and also known as the “Bald Eagle Protection Act”, which is classified generally to subchapter II (§668 et seq.) of chapter 5A of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 668 of Title 16 and Tables.

National Park Service Organic Act, referred to in subsec. (c)(1)(K), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, which enacted sections 1, 2, 3, and 4 of Title 16, Conservation, amended sections 22 and 43 of Title 16 and section 1457 of Title 43, Public Lands, and enacted provisions set out as a note under section 1 of Title 16. Sections 1 to 4 of the Act were substantially repealed and restated in chapter 1003 of Title 54, National Park Service and Related Programs, by Pub. L. 113–287, §§3, 7, Dec. 19, 2014, 128 Stat. 3097, 3272. For complete classification of this Act to the Code, see Short Title of 1916 Act note set out under section 100101 of Title 54, and Tables. For disposition of former sections of Title 16, see Disposition Table preceding section 100101 of Title 54.

§ 3003. Increasing economic certainty

(a) Considerations

The Secretary may consider acreage rental rates, capacity fees, and other recurring annual fees in total when evaluating existing rates paid for the use of Federal land by eligible projects.

(b) Reductions in base rental rates

The Secretary may reduce acreage rental rates and capacity fees, or both, for existing and new wind and solar authorizations if the Secretary determines—

- (1) that the existing rates—
 - (A) exceed fair market value;
 - (B) impose economic hardships;
 - (C) limit commercial interest in a competitive lease sale or right-of-way grant; or
 - (D) are not competitively priced compared to other available land; or

- (2) that a reduced rental rate or capacity fee is necessary to promote the greatest use of wind and solar energy resources.

(Pub. L. 116–260, div. Z, title III, §3103, Dec. 27, 2020, 134 Stat. 2516.)

§ 3004. National goal for renewable energy production on Federal land

(a) In general

Not later than September 1, 2022, the Secretary shall, in consultation with the Secretary of Agriculture and other heads of relevant Federal agencies, establish national goals for renewable energy production on Federal land.

(b) Minimum production goal

The Secretary shall seek to issue permits that, in total, authorize production of not less than 25 gigawatts of electricity from wind, solar, and geothermal energy projects by not later than 2025, through management of public lands and administration of Federal laws.

(Pub. L. 116–260, div. Z, title III, §3104, Dec. 27, 2020, 134 Stat. 2516.)

§ 3005. Savings clause

Notwithstanding any other provision of this chapter, the Secretary of the Interior and the Secretary of Agriculture shall continue to manage public lands under the principles of multiple use and sustained yield in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) or the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), respectively, including for due consideration of mineral and nonrenewable energy-related projects and other nonrenewable energy uses, for the purposes of land use planning, permit processing, and conducting environmental reviews.

(Pub. L. 116–260, div. Z, title III, § 3106, Dec. 27, 2020, 134 Stat. 2517.)

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 text, 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.

The Forest and Rangeland Renewable Resources Planning Act of 1974, referred to in text, is Pub. L. 93–378, Aug. 17, 1974, 88 Stat. 476, which is classified generally to subchapter I (§ 1600 et seq.) of chapter 36 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1600 of Title 16 and Tables.

§ 3006. Ensuring energy security

(a) Definitions

In this section:

(1) Federal land

The term “Federal land” means public lands (as defined in section 1702 of this title).

(2) Offshore lease sale

The term “offshore lease sale” means an oil and gas lease sale—

(A) that is held by the Secretary in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(B) that, if any acceptable bids have been received for any tract offered in the lease sale, results in the issuance of a lease.

(3) Onshore lease sale

The term “onshore lease sale” means a quarter-oil and gas lease sale—

(A) that is held by the Secretary in accordance with section 226 of title 30; and

(B) that, if any acceptable bids have been received for any parcel offered in the lease sale, results in the issuance of a lease.

(b) Limitation on issuance of certain leases or rights-of-way

During the 10-year period beginning on August 16, 2022—

(1) the Secretary may not issue a right-of-way for wind or solar energy development on Federal land unless—

(A) an onshore lease sale has been held during the 120-day period ending on the date of the issuance of the right-of-way for wind or solar energy development; and

(B) the sum total of acres offered for lease in onshore lease sales during the 1-year period ending on the date of the issuance of the right-of-way for wind or solar energy development is not less than the lesser of—

(i) 2,000,000 acres; and

(ii) 50 percent of the acreage for which expressions of interest have been submitted for lease sales during that period; and

(2) the Secretary may not issue a lease for offshore wind development under section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) unless—

(A) an offshore lease sale has been held during the 1-year period ending on the date of the issuance of the lease for offshore wind development; and

(B) the sum total of acres offered for lease in offshore lease sales during the 1-year period ending on the date of the issuance of the lease for offshore wind development is not less than 60,000,000 acres.

(c) Savings

Except as expressly provided in paragraphs (1) and (2) of subsection (b), nothing in this section supersedes, amends, or modifies existing law.

(Pub. L. 117–169, title V, § 50265, Aug. 16, 2022, 136 Stat. 2060.)

Editorial Notes

REFERENCES IN TEXT

The Outer Continental Shelf Lands Act, referred to in subsec. (a)(2)(A), is act Aug. 7, 1953, ch. 345, 67 Stat. 462, which is classified generally to subchapter III (§ 1331 et seq.) of chapter 29 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

CODIFICATION

Section was enacted as part of Pub. L. 117–169, and not as part of subtitle B of title III of div. Z of Pub. L. 116–260 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

Pub. L. 117–169, title V, § 50211, Aug. 16, 2022, 136 Stat. 2052, provided that: “In this subtitle [subtitle B (§§ 50211–50281)], enacting this section, section 1356c of this title, and section 1727 of Title 30, Mineral Lands and Mining, and amending sections 1331, 1337, and 1344 of this title and sections 188 and 226 of Title 30]:

“(1) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(2) UNITED STATES INSULAR AREAS.—The term ‘United States Insular Areas’ means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the Commonwealth of Puerto Rico, and the United States Virgin Islands.”

CHAPTER 49—NATIONAL LANDSLIDE PREPAREDNESS

Sec.

3101. Definitions.

3102. National Landslide Hazards Reduction Program.