

(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

Sec.	
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3005.	Savings clause.
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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

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 quarterly 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—