

(3) the compliance of the covered agency on the limitation on the use of Federal funds under section 2809 of this title.

(Pub. L. 115-254, div. B, title VII, §759, Oct. 5, 2018, 132 Stat. 3425.)

§ 2809. Limitation on use of Federal funds

(a) Definition

In this section, the term “implementation date” means the date that is 5 years after the date on which standards for each National Geospatial Data Asset data theme are established under section 2806 of this title.

(b) Limitation

Except as provided otherwise in this section, on and after the implementation date, a covered agency may not use Federal funds for the collection, production, acquisition, maintenance, or dissemination of geospatial data that does not comply with the applicable standards established under section 2806 of this title, as determined by the Committee.

(c) Exception for existing geospatial data

On and after the implementation date, a covered agency may use Federal funds to maintain and disseminate geospatial data that does not comply with the applicable standards established under section 2806 of this title if the geospatial data was collected, produced, or acquired by the covered agency before the implementation date.

(d) Waiver

(1) In general

The Chairperson of the Committee may grant a waiver of the limitation under subsection (b), upon a request from a covered agency submitted in accordance with paragraph (2).

(2) Requirements

A request for a waiver under paragraph (1) shall—

- (A) be submitted not later than 30 days before the implementation date;
- (B) provide a detailed explanation of the reasons for seeking a waiver;
- (C) provide a detailed plan to achieve compliance with the applicable standards established under section 2806 of this title; and
- (D) provide the date by which the covered agency shall achieve compliance with the applicable standards established under section 2806 of this title.

(e) Best efforts to comply during transition

During the period beginning on the date on which standards for a National Geospatial Data Asset data theme are established under section 2806 of this title and ending on the implementation date, each covered agency, to the maximum extent practicable, shall collect, produce, acquire, maintain, and disseminate geospatial data within the National Geospatial Data Asset data theme in accordance with the standards.

(Pub. L. 115-254, div. B, title VII, §759A, Oct. 5, 2018, 132 Stat. 3427.)

§ 2810. Savings provision

Nothing in this chapter shall repeal, amend, or supersede any existing law unless specifically provided in this chapter.

(Pub. L. 115-254, div. B, title VII, §759B, Oct. 5, 2018, 132 Stat. 3427.)

§ 2811. Private sector

The Committee and each covered agency may, to the maximum extent practical, rely upon and use the private sector in the United States for the provision of geospatial data and services.

(Pub. L. 115-254, div. B, title VII, §759C, Oct. 5, 2018, 132 Stat. 3427.)

CHAPTER 47—RECLAMATION TITLE TRANSFER

<p>Sec. 2901. 2902. 2903. 2904. 2905. 2906. 2907.</p>	<p>Purpose. Definitions. Authorization of transfers of title to eligible facilities. Eligibility criteria. Liability. Benefits. Compliance with other laws.</p>
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§ 2901. Purpose

The purpose of this chapter is to facilitate the transfer of title to Reclamation project facilities to qualifying entities on the completion of repayment of capital costs.

(Pub. L. 116-9, title VIII, §8001, Mar. 12, 2019, 133 Stat. 804.)

§ 2902. Definitions

In this chapter:

(1) Conveyed property

The term “conveyed property” means an eligible facility that has been conveyed to a qualifying entity under section 2903 of this title.

(2) Eligible facility

The term “eligible facility” means a facility that meets the criteria for potential transfer established under section 2904(a) of this title.

(3) Facility

(A) In general

The term “facility” includes a dam or appurtenant works, canal, lateral, ditch, gate, control structure, pumping station, other infrastructure, recreational facility, building, distribution and drainage works, and associated land or interest in land or water.

(B) Exclusions

The term “facility” does not include a Reclamation project facility, or a portion of a Reclamation project facility—

- (i) that is a reserved works as of March 12, 2019;
- (ii) that generates hydropower marketed by a Federal power marketing administration; or
- (iii) that is managed for recreation under a lease, permit, license, or other management agreement that does contribute to capital repayment.

(4) Project use power

The term “project use power” means the electrical capacity, energy, and associated ancillary service components required to provide the minimum electrical service needed to operate or maintain Reclamation project facilities in accordance with the authorization for the Reclamation project.

(5) Qualifying entity

The term “qualifying entity” means an agency of a State or political subdivision of a State, a joint action or powers agency, a water users association, or an Indian Tribe or Tribal utility authority that—

(A) as of the date of conveyance under this chapter, is the current operator of the eligible facility pursuant to a contract with Reclamation; and

(B) as determined by the Secretary, has the capacity to continue to manage the eligible facility for the same purposes for which the property has been managed under the reclamation laws.

(6) Reclamation

The term “Reclamation” means the Bureau of Reclamation.

(7) Reclamation project

The term “Reclamation project” means—

(A) any reclamation or irrigation project, including incidental features of the project—

(i) that is authorized by the reclamation laws;

(ii) that is constructed by the United States pursuant to the reclamation laws; or

(iii) in connection with which there is a repayment or water service contract executed by the United States pursuant to the reclamation laws; or

(B) any project constructed by the Secretary for the reclamation of land.

(8) Reserved works

The term “reserved works” means any building, structure, facility, or equipment—

(A) that is owned by the Bureau; and

(B) for which operations and maintenance are performed, regardless of the source of funding—

(i) by an employee of the Bureau; or

(ii) through a contract entered into by the Commissioner.

(9) Secretary

The term “Secretary” means the Secretary, acting through the Commissioner of Reclamation.

(Pub. L. 116–9, title VIII, § 8002, Mar. 12, 2019, 133 Stat. 804.)

DEFINITION OF “SECRETARY”

Secretary means the Secretary of the Interior, see section 2 of Pub. L. 116–9, set out as a note under section 1 of Title 16, Conservation.

§ 2903. Authorization of transfers of title to eligible facilities**(a) Authorization****(1) In general**

Subject to the requirements of this chapter, the Secretary, without further authorization

from Congress, may, on application of a qualifying entity, convey to a qualifying entity all right, title, and interest of the United States in and to any eligible facility, if—

(A) not later than 90 days before the date on which the Secretary makes the conveyance, the Secretary submits to Congress—

(i) a written notice of the proposed conveyance; and

(ii) a description of the reasons for the conveyance; and

(B) a joint resolution disapproving the conveyance is not enacted before the date on which the Secretary makes the conveyance.

(2) Consultation

A conveyance under paragraph (1) shall be made by written agreement between the Secretary and the qualifying entity, developed in consultation with any existing water and power customers affected by the conveyance of the eligible facility.

(b) Reservation of easement

The Secretary may reserve an easement over a conveyed property if—

(1) the Secretary determines that the easement is necessary for the management of any interests retained by the Federal Government under this chapter;

(2) the Reclamation project or a portion of the Reclamation project remains under Federal ownership; and

(3) the Secretary enters into an agreement regarding the easement with the applicable qualifying entity.

(c) Interests in water

No interests in water shall be conveyed under this chapter unless the conveyance is provided for in a separate, quantified agreement between the Secretary and the qualifying entity, subject to applicable State law and public process requirements.

(Pub. L. 116–9, title VIII, § 8003, Mar. 12, 2019, 133 Stat. 806.)

§ 2904. Eligibility criteria**(a) Establishment**

The Secretary shall establish criteria for determining whether a facility is eligible for conveyance under this chapter.

(b) Minimum requirements**(1) Agreement of qualifying entity**

The criteria established under subsection (a) shall include a requirement that a qualifying entity shall agree—

(A) to accept title to the eligible facility;

(B) to use the eligible facility for substantially the same purposes for which the eligible facility is being used at the time the Secretary evaluates the potential transfer; and

(C) to provide, as consideration for the assets to be conveyed, compensation to the reclamation fund established by section 391 of this title, in an amount that is the equivalent of the net present value of any repayment obligation to the United States or other income stream that the United States