118TH CONGRESS
2ND SESSION

H. R.

To amend the Geothermal Steam Act of 1970 to waive the requirement for a Federal drilling permit for certain activities, to exempt certain activities from the requirements of the National Environmental Policy Act of 1969, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. Kim of California introduced the following bill; which was referred to the Committee on

A BILL

To amend the Geothermal Steam Act of 1970 to waive the requirement for a Federal drilling permit for certain activities, to exempt certain activities from the requirements of the National Environmental Policy Act of 1969, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Harnessing Energy
5 At Thermal Sources Act” or the “HEATS Act”.

(Original Signature of Member)
SEC. 2. NO FEDERAL PERMIT REQUIRED FOR GEO-
THERMAL ACTIVITIES ON CERTAIN LAND.

et seq.) is amended by adding at the end the following:

"SEC. 30. NO FEDERAL PERMIT REQUIRED FOR GEO-
THERMAL ACTIVITIES ON CERTAIN LAND.

"(a) IN GENERAL.—The Secretary shall not require
an operator to obtain a Federal drilling permit for geo-
thermal exploration and production activities conducted on
a non-Federal surface estate, provided that—

"(1) the United States holds an ownership in-
terest of less than 50 percent of the subsurface geo-
thermal estate to be accessed by the proposed action;
and

"(2) the operator submits to the Secretary a
State permit to conduct geothermal exploration and
production activities on the non-Federal surface es-
tate.

"(b) NO FEDERAL ACTION.—A geothermal explo-
ration and production activity carried out under sub-
section (a)—

"(1) shall not be considered a major Federal
action for the purposes of section 102(2)(C) of the
National Environmental Policy Act of 1969;

"(2) shall require no additional Federal action;
“(3) may commence 30 days after submission of the State permit to the Secretary;

“(4) shall not be subject to section 7 of the Endangered Species Act of 1973; and

“(5) shall only be considered an undertaking under division A of subtitle III of title 54, United States Code (commonly referred to as the ‘National Historic Preservation Act’), if, with respect to the State in which the activity occurs, there is no State law in effect that addresses the preservation of historic properties in such State.

“(c) ROYALTIES AND PRODUCTION ACCOUNTABILITY.—(1) Nothing in this section shall affect the amount of royalties due to the United States under this Act from the production of electricity using geothermal resources (other than direct use of geothermal resources) or the production of any byproducts.

“(2) The Secretary may conduct onsite reviews and inspections to ensure proper accountability, measurement, and reporting of the production described in subsection (a), and payment of royalties.

“(d) EXCEPTIONS.—This section shall not apply to actions on Indian lands or resources managed in trust for the benefit of Indian Tribes.
“(e) INDIAN LAND.—In this section, the term ‘Indian land’ means—

“(1) any land located within the boundaries of an Indian reservation, pueblo, or rancheria; and

“(2) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

“(A) in trust by the United States for the benefit of an Indian tribe or an individual Indian;

“(B) by an Indian tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

“(C) by a dependent Indian community.”.