

118TH CONGRESS  
2D SESSION

# H. R. 7409

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 20, 2024

Mrs. KIM of California (for herself and Mr. DUARTE) introduced the following bill; which was referred to the Committee on Natural Resources

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## 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”.

1 **SEC. 2. NO FEDERAL PERMIT REQUIRED FOR GEO-**  
2 **THERMAL ACTIVITIES ON CERTAIN LAND.**

3 The Geothermal Steam Act of 1970 (30 U.S.C. 1001  
4 et seq.) is amended by adding at the end the following:

5 **“SEC. 30. NO FEDERAL PERMIT REQUIRED FOR GEO-**  
6 **THERMAL ACTIVITIES ON CERTAIN LAND.**

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

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

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

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

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

25 “(2) shall require no additional Federal action;

1           “(3) may commence 30 days after submission  
2 of the State permit to the Secretary;

3           “(4) shall not be subject to section 7 of the En-  
4 dangered Species Act of 1973; and

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

12       “(c) ROYALTIES AND PRODUCTION ACCOUNT-  
13 ABILITY.—(1) Nothing in this section shall affect the  
14 amount of royalties due to the United States under this  
15 Act from the production of electricity using geothermal re-  
16 sources (other than direct use of geothermal resources) or  
17 the production of any byproducts.

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

22       “(d) EXCEPTIONS.—This section shall not apply to  
23 actions on Indian lands or resources managed in trust for  
24 the benefit of Indian Tribes.

1       “(e) INDIAN LAND.—In this section, the term ‘Indian  
2 land’ means—

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

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

8                       “(A) in trust by the United States for the  
9 benefit of an Indian tribe or an individual In-  
10 dian;

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

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

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