

118TH CONGRESS
2D SESSION

H. R. 7409

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2024

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 “(A) in trust by the United States for the
12 benefit of an Indian tribe or an individual In-
13 dian;

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

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

Passed the House of Representatives November 14,
2024.

Attest: KEVIN F. MCCUMBER,
Clerk.