

109TH CONGRESS
1ST SESSION

H. R. 174

To encourage greater use of geothermal energy resources.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Ms. MILLENDER-MCDONALD introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To encourage greater use of geothermal energy resources.

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 “Geothermal Energy
5 Initiative Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The last national resource assessment of
9 geothermal energy resource sites in the United
10 States was completed in 1978. There have been sub-

1 stantial changes in technology and advances in geo-
2 logical science in the intervening 26 years.

3 (2) Many Federal land management agencies,
4 including the Bureau of Land Management and the
5 Forest Service, are not aware of geothermal energy
6 resources and fail to recognize geothermal energy re-
7 sources in their land use planning process. Failure
8 to recognize geothermal energy resources during the
9 land use planning process poses significant delays in
10 geothermal resource development.

11 (3) The Bureau of Land Management has a
12 backlog of 230 lease applications for prospecting for
13 geothermal energy. The average age of these lease
14 applications is 9 years. The oldest non-competitive
15 application was received in 1974.

16 (4) There appears to be a lack of focus and pri-
17 ority in the Bureau of Land Management concerning
18 geothermal energy efforts.

19 (5) Development of geothermal energy re-
20 sources is environmentally safe and clean.

21 **SEC. 3. ASSESSMENT OF GEOTHERMAL ENERGY RE-**
22 **SOURCES.**

23 (a) RESOURCE ASSESSMENT.—Not later than 3
24 months after the date of the enactment of this Act, and
25 each year thereafter, the Secretary of Energy shall review

1 the available assessments of geothermal energy resources
2 available within the United States and undertake new as-
3 sessments as necessary, taking into account changes in
4 market conditions, available technologies, and other rel-
5 evant factors.

6 (b) CONTENTS OF REPORTS.—Not later than 1 year
7 after the date of the enactment of this Act, and each year
8 thereafter, the Secretary shall publish a report based on
9 the assessment under subsection (a). The report shall con-
10 tain a detailed inventory describing the available amount
11 and characteristics of the geothermal energy resources, in-
12 cluding—

13 (1) descriptions of surrounding terrain, popu-
14 lation and load centers, nearby energy infrastruc-
15 ture, location of energy and water resources, and
16 available estimates of the costs needed to develop
17 each resource;

18 (2) an identification of any barriers to pro-
19 viding adequate transmission for remote sources of
20 geothermal energy resources to current and emerg-
21 ing markets;

22 (3) recommendations for removing or address-
23 ing such barriers; and

1 the issuance of a right-of-way for the development of
2 a geothermal energy project prior to the revision of
3 a land use plan by the appropriate land management
4 agency.

5 (b) REPORT TO CONGRESS.—Within 24 months after
6 the date of the enactment of this section, the Secretary
7 of the Interior shall develop and report to the Congress
8 recommendations on any statutory or regulatory changes
9 the Secretary believes would assist in the development of
10 geothermal energy on Federal land. The report shall in-
11 clude—

12 (1) a 5-year plan developed by the Secretary of
13 the Interior, in cooperation with the Secretary of
14 Agriculture, for encouraging the development of geo-
15 thermal energy on Federal land in an environ-
16 mentally sound manner;

17 (2) an analysis of—

18 (A) whether the use of rights-of-ways is
19 the best means of authorizing use of Federal
20 land for the development of geothermal energy,
21 or whether such resources could be better devel-
22 oped through a leasing system or other method;

23 (B) the desirability of grants, loans, tax
24 credits, or other provisions to promote geo-

1 thermal energy development on Federal land;
2 and

3 (C) any problems, including environmental
4 concerns, that the Secretary of the Interior or
5 the Secretary of Agriculture has encountered in
6 managing geothermal energy projects on Fed-
7 eral land, or believe are likely to arise in rela-
8 tion to the development of geothermal energy
9 on Federal land; and

10 (3) a list, developed in consultation with the
11 Secretaries of Energy and Defense, of lands under
12 the jurisdiction of the Departments of Energy and
13 Defense, respectively, that would be suitable for de-
14 velopment for geothermal energy, and recommended
15 statutory and regulatory mechanisms for such devel-
16 opment.

17 **SEC. 5. CONSULTATION REGARDING GEOTHERMAL LEAS-**
18 **ING AND PERMITTING ON PUBLIC LANDS.**

19 (a) IN GENERAL.—Not later than 6 months after the
20 date of the enactment of this Act, the Secretary of the
21 Interior and the Secretary of Agriculture shall enter into
22 and submit to the Congress a memorandum of under-
23 standing in accordance with this section regarding leasing
24 and permitting, for geothermal development, of public
25 lands under their respective administrative jurisdictions.

1 (b) LEASE AND PERMIT APPLICATIONS.—The memo-
2 randum of understanding shall include provisions that—

3 (1) identify known geothermal areas on public
4 lands within the National Forest System and to the
5 extent necessary review management plans to con-
6 sider leasing of such lands under the Geothermal
7 Steam Act of 1970 (30 U.S.C. 1001 et seq.) as a
8 land use;

9 (2) establish an administrative procedure for
10 processing geothermal lease applications, including
11 lines of authority, steps in application processing,
12 and timeframes for application processing;

13 (3) provide that the Secretary concerned
14 shall—

15 (A) within 14 days after receiving an ap-
16 plication for a lease, determine whether the ap-
17 plication contains sufficient information to
18 allow processing of the application; and

19 (B) if the application is found not to con-
20 tain sufficient information to allow processing
21 the application, before the end of such 14-day
22 period, provide written notification to the lease
23 applicant that the application is being returned
24 to the applicant without processing and an

1 itemization of the deficiencies in the application
2 that prevent processing;

3 (4) provide that the Secretary concerned shall
4 within 30 days after receiving a lease application,
5 provide written notice to the lease applicant regard-
6 ing the status of the application, including an esti-
7 mate of the time that will be required to complete
8 action on the application; and

9 (5) establish an administrative procedure for
10 processing geothermal development permits, includ-
11 ing lines of authority, steps in permit processing,
12 and timeframes for permit processing.

13 (c) FIVE-YEAR LEASING PLAN.—The memorandum
14 of understanding shall develop a 5-year plan for leasing
15 under the Geothermal Steam Act of 1970 (30 U.S.C. 1001
16 et seq.) of public land in the National Forest System. The
17 plan for geothermal leasing shall be updated every 5 years.

18 (d) DATA RETRIEVAL SYSTEM.—The memorandum
19 of understanding shall establish a joint data retrieval sys-
20 tem that is capable of—

21 (1) tracking lease and permit applications and
22 requests; and

23 (2) providing to the applicant or requester in-
24 formation as to their status within the Departments

1 of the Interior and Agriculture, including an esti-
2 mate of the time required for administrative action.

3 **SEC. 6. REIMBURSEMENT FOR COSTS OF NEPA ANALYSES,**
4 **DOCUMENTATION, AND STUDIES.**

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

8 **“SEC. 30. REIMBURSEMENT FOR COSTS OF NEPA ANAL-**
9 **YSES, DOCUMENTATION, AND STUDIES.**

10 “(a) IN GENERAL.—The Secretary of the Interior
11 may, through royalty credits, reimburse a person who is
12 a lessee, operator, operating rights owner, or applicant for
13 a lease under this Act for reasonable amounts paid by the
14 person for preparation by the Secretary (or a contractor
15 or other person selected by the Secretary) of any project-
16 level analysis, documentation, or related study required
17 under the National Environmental Policy Act of 1969 (42
18 U.S.C. 4321 et seq.) with respect to the lease.

19 “(b) CONDITIONS.—The Secretary may provide reim-
20 bursement under subsection (a) only if—

21 “(1) adequate funding to enable the Secretary
22 to timely prepare the analysis, documentation, or re-
23 lated study is not appropriated;

24 “(2) the person paid the amounts voluntarily;
25 and

1 “(3) the person maintains records of its costs
2 in accordance with regulations prescribed by the
3 Secretary.”.

4 (b) APPLICATION.—The amendment made by this
5 section shall apply with respect to any lease entered into
6 before, on, or after the date of the enactment of this Act.

7 (c) DEADLINE FOR REGULATIONS.—The Secretary
8 shall issue regulations implementing the amendment made
9 by this section by not later than 90 days after the date
10 of the enactment of this Act.

11 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

12 To carry out section 5 through 7 there are authorized
13 to be appropriated to the Secretary of the Interior such
14 sums as may be necessary.

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