

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 2657

To support innovation in advanced geothermal research and development, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Advanced Geothermal
5 Innovation Leadership Act of 2019” or the “AGILE Act
6 of 2019”.

7 **SEC. 2. UPDATE TO GEOTHERMAL RESOURCE ASSESSMENT.**

8 Section 2501 of the Energy Policy Act of 1992 (30
9 U.S.C. 1028) is amended—

10 (1) by redesignating subsections (a) and (b) as
11 subsections (b) and (d), respectively;

1 (2) by inserting before subsection (b) (as so re-
2 designated) the following:

3 “(a) DEFINITION OF ENHANCED GEOTHERMAL SYS-
4 TEMS.—In this section, the term ‘enhanced geothermal
5 systems’ has the meaning given the term in section 612
6 of the Energy Independence and Security Act of 2007 (42
7 U.S.C. 17191).”;

8 (3) by inserting after subsection (b) (as so re-
9 designated) the following:

10 “(c) UPDATE TO GEOTHERMAL RESOURCE ASSESS-
11 MENT.—The Secretary of the Interior, acting through the
12 United States Geological Survey, and in consultation with
13 the Secretary of Energy, shall update the United States
14 geothermal resource assessment carried out by the United
15 States Geological Survey, including—

16 “(1) with respect to areas previously identified
17 by the Department of Energy or the United States
18 Geological Survey as having significant potential for
19 hydrothermal energy or enhanced geothermal sys-
20 tems energy, by focusing on—

21 “(A) improving the resolution of resource
22 potential at systematic temperatures and
23 depths, including temperatures and depths ap-
24 propriate for power generation and direct use
25 applications;

1 “(B) quantifying the total potential to co-
2 produce geothermal energy and minerals;

3 “(C) incorporating data relevant to under-
4 ground thermal energy storage and exchange,
5 such as aquifer and soil properties; and

6 “(D) producing high resolution maps, in-
7 cluding—

8 “(i) maps that indicate key subsurface
9 parameters for electric and direct use re-
10 sources; and

11 “(ii) risk maps for induced seismicity
12 based on geologic, geographic, and oper-
13 ational parameters; and

14 “(2) to the maximum extent practicable, by co-
15 ordinating with relevant State officials and institu-
16 tions of higher education to expand geothermal as-
17 sessments, including enhanced geothermal systems
18 assessments, to include assessments for the Com-
19 monwealth of Puerto Rico and the States of Alaska
20 and Hawaii.”; and

21 (4) in subsection (d) (as so redesignated), by
22 striking “necessary” and inserting “necessary”.

1 **SEC. 3. GENERAL GEOTHERMAL RESEARCH AND DEVELOP-**
2 **MENT PROGRAMS.**

3 Section 614 of the Energy Independence and Security
4 Act of 2007 (42 U.S.C. 17193) is amended by adding at
5 the end the following:

6 “(d) OIL AND GAS TECHNOLOGY TRANSFER INITIA-
7 TIVE.—

8 “(1) IN GENERAL.—The Secretary shall sup-
9 port an initiative among the Office of Fossil Energy,
10 the Office of Energy Efficiency and Renewable En-
11 ergy, and the private sector to modify, improve, and
12 demonstrate the use in geothermal energy develop-
13 ment of relevant advanced technologies and oper-
14 ation techniques used in the oil and gas sector.

15 “(2) PRIORITIES.—In carrying out paragraph
16 (1), the Secretary shall prioritize technologies with
17 the greatest potential to significantly increase the
18 use and lower the cost of geothermal energy in the
19 United States, including the cost and speed of small-
20 and large-scale geothermal drilling.

21 “(e) COPRODUCTION OF GEOTHERMAL ENERGY AND
22 MINERALS PRODUCTION PRIZE COMPETITION.—

23 “(1) IN GENERAL.—The Secretary shall carry
24 out a prize competition under which the Secretary
25 shall award prizes to demonstrate the coproduction
26 of critical minerals (as defined by the Secretary of

1 the Interior on the date of enactment of the AGILE
2 Act of 2019) from geothermal resources.

3 “(2) REQUIREMENTS.—A demonstration award-
4 ed a prize under paragraph (1) shall—

5 “(A) improve the cost-effectiveness of re-
6 moving minerals from geothermal brines as part
7 of the coproduction process;

8 “(B) increase recovery rates of the tar-
9 geted mineral commodity;

10 “(C) decrease water use and other environ-
11 mental impacts, as determined by the Sec-
12 retary; and

13 “(D) demonstrate a path to commercial vi-
14 ability.

15 “(3) MAXIMUM PRIZE AMOUNT.—The max-
16 imum amount of a prize awarded under paragraph
17 (1) shall be \$10,000,000.

18 “(f) DRILLING DATA REPOSITORY.—

19 “(1) IN GENERAL.—The Secretary shall, in co-
20 ordination with the Secretary of the Interior, estab-
21 lish and operate a voluntary, industry-wide reposi-
22 tory of geothermal drilling information to lower the
23 cost of future geothermal drilling.

24 “(2) REPOSITORY.—

1 “(A) IN GENERAL.—In carrying out para-
2 graph (1), the Secretary shall collaborate with
3 geothermally significant countries, such as Ice-
4 land, Switzerland, Kenya, Australia, the Phil-
5 ippines, and any other relevant country, as de-
6 termined by the Secretary.

7 “(B) DATA SYSTEM.—The repository es-
8 tablished under paragraph (1) shall be inte-
9 grated with the National Geothermal Data Sys-
10 tem.”.

11 **SEC. 4. ENHANCED GEOTHERMAL RESEARCH AND DEVEL-**
12 **OPMENT.**

13 (a) DEFINITION OF ENGINEERED.—Section 612(1)
14 of the Energy Independence and Security Act of 2007 (42
15 U.S.C. 17191(1)) is amended in the matter preceding sub-
16 paragraph (A) by striking “subjected to intervention, in-
17 cluding intervention” and inserting “designed to access
18 subsurface heat, including nonstimulation technologies,”.

19 (b) PROGRAMS.—Section 615(b) of the Energy Inde-
20 pendence and Security Act of 2007 (42 U.S.C. 17194(b))
21 is amended—

22 (1) in paragraph (1)—

23 (A) in subparagraph (C), by striking
24 “mapping” and inserting “and fracture map-
25 ping, including real-time modeling”;

1 (B) in subparagraph (E), by striking
2 “and” at the end;

3 (C) by redesignating subparagraph (F) as
4 subparagraph (K); and

5 (D) by inserting after subparagraph (E)
6 the following:

7 “(F) well placement and orientation;

8 “(G) long-term reservoir management;

9 “(H) drilling technologies, methods, and
10 tools;

11 “(I) improved exploration tools;

12 “(J) zonal isolation; and”; and

13 (2) by striking paragraph (2) and inserting the
14 following:

15 “(2) FRONTIER OBSERVATORIES FOR RE-
16 SEARCH IN GEOTHERMAL ENERGY.—

17 “(A) PROGRAM.—The Secretary shall sup-
18 port 2 field research sites operated by public or
19 academic entities, which shall each be known as
20 a ‘Frontier Observatory for Research in Geo-
21 thermal Energy’ or ‘FORGE’ site, to develop,
22 test, and enhance techniques and tools for en-
23 hanced geothermal energy.

24 “(B) SITE SELECTION.—Of the FORGE
25 sites referred to in subparagraph (A)—

1 “(i) 1 shall be the existing research
2 site in Milford, Utah; and

3 “(ii) 1 shall be—

4 “(I) selected by the Secretary
5 through a competitive selection pro-
6 cess; and

7 “(II) located in a different geo-
8 logic type than the existing research
9 site described in clause (i).

10 “(C) SITE OPERATION.—

11 “(i) INITIAL DURATION.—The
12 FORGE site selected under subparagraph
13 (B)(ii) shall operate for an initial term of
14 not more than 7 years after the date on
15 which site preparation is complete.

16 “(ii) PERFORMANCE METRICS.—The
17 Secretary shall establish performance
18 metrics for each FORGE site supported
19 under this paragraph, which may be used
20 by the Secretary to determine whether a
21 FORGE site should continue to receive
22 funding.

23 “(D) ADDITIONAL TERMS.—

1 “(i) IN GENERAL.—At the end of an
2 operational term described in clause (ii), a
3 FORGE site may—

4 “(I) be transferred to other pub-
5 lic or private entities for further en-
6 hanced geothermal testing; or

7 “(II) subject to appropriations
8 and a merit review by the Secretary,
9 operate for an additional term of not
10 more than 7 years.

11 “(ii) OPERATIONAL TERM DE-
12 SCRIBED.—An operational term referred to
13 in clause (i)—

14 “(I) in the case of the FORGE
15 site designated under subparagraph
16 (B)(i), is the existing operational
17 term; and

18 “(II) in the case of the FORGE
19 site selected under subparagraph
20 (B)(ii), is the initial term under sub-
21 paragraph (C) or an additional term
22 under clause (i)(II).

23 “(3) ENHANCED GEOTHERMAL SYSTEMS DEM-
24 ONSTRATIONS.—

1 “(A) IN GENERAL.—Beginning on the date
2 of enactment of the AGILE Act of 2019, the
3 Secretary, in collaboration with industry part-
4 ners and institutions of higher education, shall
5 support an initiative for demonstration of en-
6 hanced geothermal systems for power produc-
7 tion or direct use.

8 “(B) PROJECTS.—

9 “(i) IN GENERAL.—Under the initia-
10 tive described in subparagraph (A), not
11 less than 4 demonstration projects shall be
12 carried out in locations that are potentially
13 commercially viable for enhanced geo-
14 thermal systems development, as deter-
15 mined by the Secretary.

16 “(ii) REQUIREMENTS.—Demonstra-
17 tion projects under clause (i) shall—

18 “(I) collectively demonstrate—

19 “(aa) different geologic set-
20 tings, such as hot sedimentary
21 aquifers, layered geologic sys-
22 tems, supercritical systems, and
23 basement rock systems; and

24 “(bb) a variety of develop-
25 ment techniques, including open

1 hole and cased hole completions,
2 differing well orientations, and
3 stimulation mechanisms;

4 “(II) to the extent practicable,
5 use existing sites where subsurface
6 characterization or geothermal energy
7 integration analysis has been con-
8 ducted; and

9 “(III) each be carried out in ac-
10 cordance with section 988 of the En-
11 ergy Policy Act of 2005 (42 U.S.C.
12 16352).

13 “(iii) EASTERN DEMONSTRATION.—
14 Not less than 1 demonstration project
15 under clause (i) shall be located in an area
16 east of the Mississippi River that is suit-
17 able for enhanced geothermal demonstra-
18 tion for power, heat, or a combination of
19 power and heat.

20 “(C) OPTIONAL PROGRAM STRUCTURE.—

21 “(i) IN GENERAL.—The Secretary
22 may, pursuant to section 646(g) of the De-
23 partment of Energy Organization Act (42
24 U.S.C. 7256(g)), impose a cost share mile-
25 stone-based payment structure (similar to

1 the structure used in the National Aero-
2 nautics and Space Administration Com-
3 mercial Orbital Transportation Services
4 program) on a demonstration project de-
5 scribed in subparagraph (B).

6 “(ii) REQUIREMENTS.—If the Sec-
7 retary elects to carry out clause (i) for a
8 demonstration project, the Secretary
9 shall—

10 “(I) request proposals from eligi-
11 ble entities, as determined by the Sec-
12 retary, that include—

13 “(aa) a business plan;

14 “(bb) technical details; and

15 “(cc) proposed milestones
16 and associated payments; and

17 “(II) select projects—

18 “(aa) based on the dem-
19 onstrated ability of the eligible
20 entity to meet the milestones and
21 associated payments described in
22 the proposal of that eligible enti-
23 ty; and

1 “(bb) that have the greatest
2 potential commercial applica-
3 bility.”.

4 **SEC. 5. GEOTHERMAL HEAT PUMPS AND DIRECT USE.**

5 Title VI of the Energy Independence and Security
6 Act of 2007 is amended by inserting after section 616 (42
7 U.S.C. 17195) the following:

8 **“SEC. 616A. GEOTHERMAL HEAT PUMPS AND DIRECT USE**
9 **RESEARCH AND DEVELOPMENT.**

10 “(a) PURPOSES.—The purposes of this section are—

11 “(1) to improve the components, processes, and
12 systems used for geothermal heat pumps and the di-
13 rect use of geothermal energy; and

14 “(2) to increase the energy efficiency, lower the
15 cost, increase the use, and improve and demonstrate
16 the applicability of geothermal heat pumps to, and
17 the direct use of geothermal energy in, large build-
18 ings, commercial districts, residential communities,
19 and large municipal, agricultural, or industrial
20 projects.

21 “(b) DEFINITIONS.—In this section:

22 “(1) DIRECT USE OF GEOTHERMAL ENERGY.—
23 The term ‘direct use of geothermal energy’ means
24 systems that use water directly or through a heat
25 exchanger to provide—

1 “(A) heating to buildings; or

2 “(B) heat required for industrial processes,
3 agriculture, aquaculture, and other facilities.

4 “(2) ECONOMICALLY DISTRESSED AREA.—The
5 term ‘economically distressed area’ means an area
6 described in section 301(a) of the Public Works and
7 Economic Development Act of 1965 (42 U.S.C.
8 3161(a)).

9 “(3) GEOTHERMAL HEAT PUMP.—The term
10 ‘geothermal heat pump’ means a system that pro-
11 vides heating and cooling by exchanging heat from
12 shallow ground or surface water using—

13 “(A) a closed loop system, which transfers
14 heat by way of buried or immersed pipes that
15 contain a mix of water and working fluid; or

16 “(B) an open loop system, which circulates
17 ground or surface water directly into the build-
18 ing and returns the water to the same aquifer
19 or surface water source.

20 “(c) PROGRAM.—

21 “(1) IN GENERAL.—The Secretary shall sup-
22 port within the Geothermal Technologies Office a
23 program of research, development, and demonstra-
24 tion for geothermal heat pumps and the direct use
25 of geothermal energy.

1 “(2) AREAS.—The program under paragraph
2 (1) may include research, development, demonstra-
3 tion, and commercial application of—

4 “(A) geothermal ground loop efficiency im-
5 provements, cost reductions, and improved in-
6 stallation and operations methods;

7 “(B) the use of geothermal energy for
8 building-scale energy storage;

9 “(C) the use of geothermal energy as a
10 grid management resource or seasonal energy
11 storage;

12 “(D) geothermal heat pump efficiency im-
13 provements;

14 “(E) the use of alternative fluids as a heat
15 exchange medium, such as hot water found in
16 mines and mine shafts, graywater, or other
17 fluids that may improve the economics of geo-
18 thermal heat pumps;

19 “(F) heating of districts, neighborhoods,
20 communities, large commercial or public build-
21 ings, and industrial and manufacturing facili-
22 ties;

23 “(G) the use of water sources at a tem-
24 perature of less than 150 degrees Celsius for di-
25 rect use; and

1 “(H) system integration of direct use with
2 geothermal electricity production.

3 “(3) ENVIRONMENTAL IMPACTS.—In carrying
4 out the program, the Secretary shall identify and
5 mitigate potential environmental impacts in accord-
6 ance with section 614(c).

7 “(d) GRANTS.—

8 “(1) IN GENERAL.—The Secretary shall make
9 grants available to State, local, and Tribal govern-
10 ments, institutions of higher education, nonprofit en-
11 tities, National Laboratories, utilities, and for-profit
12 companies to promote the development of geo-
13 thermal heat pumps and the direct use of geo-
14 thermal energy.

15 “(2) PRIORITY.—In making grants under this
16 subsection, the Secretary shall give priority to pro-
17 posals that apply to large buildings, commercial dis-
18 tricts, and residential communities that are located
19 in economically distressed areas.”.

20 **SEC. 6. MODIFYING THE DEFINITION OF RENEWABLE EN-**
21 **ERGY TO INCLUDE THERMAL ENERGY.**

22 (a) IN GENERAL.—Section 203 of the Energy Policy
23 Act of 2005 (42 U.S.C. 15852) is amended—

24 (1) in subsection (b)(2), by striking “generated
25 from” and inserting “produced from, or, in the case

1 of thermal energy resulting from a thermal energy
2 project placed in service after December 31, 2018,
3 thermal energy generated from, or avoided by,”; and

4 (2) in subsection (c)—

5 (A) by redesignating paragraphs (1)
6 through (3) as subparagraphs (A) through (C),
7 respectively, and indenting appropriately;

8 (B) in the matter preceding subparagraph
9 (A) (as so redesignated), by striking “For pur-
10 poses” and inserting the following:

11 “(1) IN GENERAL.—For purposes”; and

12 (C) by adding at the end the following:

13 “(2) SEPARATE CALCULATION.—

14 “(A) IN GENERAL.—For purposes of deter-
15 mining compliance with the requirement of this
16 section, any energy consumption that is avoided
17 through the use of renewable energy shall be
18 considered to be renewable energy produced.

19 “(B) DENIAL OF DOUBLE BENEFIT.—
20 Avoided energy consumption that is considered
21 to be renewable energy produced under sub-
22 paragraph (A) shall not also be counted for
23 purposes of achieving compliance with another
24 Federal energy efficiency goal.”.

1 (b) CONFORMING AMENDMENT.—Section 2410q(a)
2 of title 10, United States Code, is amended by striking
3 “section 203(b)(2) of the Energy Policy Act of 2005 (42
4 U.S.C. 15852(b)(2))” and inserting “section 203(b) of the
5 Energy Policy Act of 2005 (42 U.S.C. 15852(b))”.

6 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 623 of the Energy Independence and Security
8 Act of 2007 (42 U.S.C. 17202) is amended by striking
9 “\$90,000,000” in the first sentence and all that follows
10 through the period at the end of the second sentence and
11 inserting the following: “\$165,000,000 for each of fiscal
12 years 2020 through 2024, of which—

13 “(1) \$5,000,000 for each of fiscal years 2020
14 through 2023 shall be for the prize competition
15 under section 614(e); and

16 “(2) \$1,000,000 each fiscal year shall be for
17 the drilling data repository under section 614(f).”.

18 **SEC. 8. REAUTHORIZATION OF HIGH COST REGION GEO-**
19 **THERMAL ENERGY GRANT PROGRAM.**

20 Section 625 of the Energy Independence and Security
21 Act of 2007 (42 U.S.C. 17204) is amended—

22 (1) in subsection (a)(2), by inserting “or heat”
23 after “electrical power”; and

24 (2) by striking subsection (e) and inserting the
25 following:

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$5,000,000 for each of fiscal years 2020 through 2024.”.

4 **SEC. 9. NATIONAL GOALS FOR PRODUCTION AND PRIORITY**
5 **AREAS FOR DEVELOPMENT ON FEDERAL**
6 **LAND.**

7 (a) IN GENERAL.—Not later than September 1,
8 2021, the Secretary of the Interior shall, in consultation
9 with the Secretary of Energy, the Secretary of Agri-
10 culture, and other heads of relevant Federal agencies, es-
11 tablish national goals for geothermal energy capacity on
12 public land.

13 (b) GEOTHERMAL ENERGY DEVELOPMENT.—The
14 Director of the Bureau of Land Management, in consulta-
15 tion with other appropriate Federal officials, shall take
16 any actions that the Director of the Bureau of Land Man-
17 agement determines necessary to facilitate geothermal en-
18 ergy development, consistent with applicable laws.

19 **SEC. 10. FACILITATION OF COPRODUCTION OF GEO-**
20 **THERMAL ENERGY ON OIL AND GAS LEASES.**

21 Section 4(b) of the Geothermal Steam Act of 1970
22 (30 U.S.C. 1003(b)) is amended by adding at the end the
23 following:

24 “(4) LAND SUBJECT TO OIL AND GAS LEASE.—
25 Land under an oil and gas lease issued pursuant to

1 the Mineral Leasing Act (30 U.S.C. 181 et seq.) or
2 the Mineral Leasing Act for Acquired Lands (30
3 U.S.C. 351 et seq.) that is subject to an approved
4 application for permit to drill and from which oil
5 and gas production is occurring may be available for
6 noncompetitive leasing under this section to the
7 holder of the oil and gas lease—

8 “(A) on a determination that—

9 “(i) geothermal energy will be pro-
10 duced from a well producing or capable of
11 producing oil and gas; and

12 “(ii) national energy security will be
13 improved by the issuance of such a lease;
14 and

15 “(B) to provide for the coproduction of
16 geothermal energy with oil and gas.”.

17 **SEC. 11. GEOTHERMAL RESOURCE CONFIRMATION TEST**
18 **PROJECTS.**

19 (a) IN GENERAL.—The Geothermal Steam Act of
20 1970 (30 U.S.C. 1001 et seq.) is amended by adding at
21 the end the following:

22 **“SEC. 30. GEOTHERMAL RESOURCE CONFIRMATION TEST**
23 **PROJECTS.**

24 “(a) DEFINITIONS.—In this section:

1 “(1) EXTRAORDINARY CIRCUMSTANCES.—The
2 term ‘extraordinary circumstances’ has the same
3 meaning given the term in the Department of the
4 Interior Departmental Manual, 516 DM 2.3A(3)
5 and 516 DM 2, Appendix 2 (or successor provi-
6 sions).

7 “(2) GEOTHERMAL RESOURCE CONFIRMATION
8 TEST PROJECT.—The term ‘geothermal resource
9 confirmation test project’ means a project of drilling
10 not more than 3 wells into a reservoir to test or ex-
11 plore for geothermal resources—

12 “(A) on land for which the Secretary has
13 issued a lease under this Act; and

14 “(B) that—

15 “(i) is carried out by the holder of the
16 lease;

17 “(ii) allows for well testing, such as to
18 confirm temperature, pressure, chemistry,
19 flow rate, and near-wellbore and overall
20 reservoir permeability;

21 “(iii) causes—

22 “(I) less than 2.5 acres of soil or
23 vegetation disruption at the location
24 of each geothermal exploration well;
25 and

1 “(II) not more than an additional
2 5 acres of soil or vegetation disruption
3 during access to or egress from the
4 test site;

5 “(iv) is less than 9 inches in bottom-
6 hole diameter;

7 “(v) is developed—

8 “(I) in a manner that does not
9 require off-road motorized access
10 other than to and from the well site
11 along an identified off-road route; and

12 “(II) without the use of high-
13 pressure well stimulation;

14 “(vi) includes the removal of any sur-
15 face infrastructure other than the wellhead
16 from the site not later than 90 days after
17 the project is completed; and

18 “(vii) requires, not later than 42
19 months after the date on which the first
20 exploration drilling began, the restoration
21 of the project site to approximately the
22 condition that existed at the time the
23 project begins, unless the site is subse-
24 quently used as part of an energy develop-
25 ment under the lease.

1 “(b) CATEGORICAL EXCLUSION.—Unless extraor-
2 dinary circumstances exist, a project that the Secretary
3 determines under subsection (c) is a geothermal resource
4 confirmation test project shall be categorically excluded
5 from the requirements for an environmental assessment
6 or an environmental impact statement under the National
7 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
8 seq.) or section 1508.4 of title 40, Code of Federal Regula-
9 tions (or a successor regulation).

10 “(c) PROCESS.—

11 “(1) REQUIREMENT TO PROVIDE NOTICE.—A
12 leaseholder shall provide notice to the Secretary of
13 the intent of the leaseholder to carry out a geo-
14 thermal resource confirmation test project at least
15 30 days before the start of drilling under the
16 project.

17 “(2) REVIEW AND DETERMINATION.—Not later
18 than 30 days after receipt of a notice of intent
19 under paragraph (1), the Secretary shall, with re-
20 spect to the project described in the notice of in-
21 tent—

22 “(A) determine if the project is a geo-
23 thermal resource confirmation test project;

24 “(B) notify the leaseholder of such deter-
25 mination; and

1 “(C) provide public notice of the deter-
2 mination.

3 “(3) OPPORTUNITY TO REMEDY.—If the Sec-
4 retary determines under paragraph (2)(A) that the
5 project is not a geothermal resource confirmation
6 test project, the Secretary shall—

7 “(A) include in such notice clear and de-
8 tailed findings on any deficiencies in the project
9 that resulted in such determination; and

10 “(B) allow the leaseholder to remedy any
11 such deficiencies and resubmit the notice of in-
12 tent under paragraph (1).”.

13 (b) REPEAL.—The Geothermal Energy Research, De-
14 velopment, and Demonstration Act of 1974 (30 U.S.C.
15 1101 et seq.) is repealed.

16 **SEC. 12. PROGRAM TO IMPROVE FEDERAL GEOTHERMAL**
17 **PERMIT COORDINATION.**

18 (a) DEFINITIONS.—In this section:

19 (1) PROGRAM.—The term “Program” means
20 the Geothermal Energy Permitting Coordination
21 Program established under subsection (b).

22 (2) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

24 (b) ESTABLISHMENT OF PROGRAM.—Not later than
25 90 days after the date of enactment of this Act, the Sec-

1 retary shall establish a program, to be known as the “Geo-
2 thermal Energy Permitting Coordination Program”, to
3 improve Federal permit coordination and reduce regu-
4 latory timelines with respect to geothermal energy projects
5 on Federal land by increasing the expertise of officials ad-
6 ministering and approving permits.

7 (c) ESTABLISHMENT OF PROGRAM OFFICES.—To
8 carry out the Program, the Secretary shall establish 1 or
9 more Program offices at State or district offices of the
10 Department of the Interior.

11 (d) MEMORANDUM OF UNDERSTANDING.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the date of enactment of this Act, the Secretary
14 shall enter into a memorandum of understanding for
15 purposes of this section with—

16 (A) the Secretary of Agriculture;

17 (B) the Administrator of the Environ-
18 mental Protection Agency; and

19 (C) the Secretary of Defense.

20 (2) STATE PARTICIPATION.—The Secretary
21 may request that the Governor of any State be a sig-
22 natory to the memorandum of understanding under
23 paragraph (1).

24 (e) DESIGNATION OF QUALIFIED STAFF.—

1 (1) IN GENERAL.—Not later than 30 days after
2 the date on which the memorandum of under-
3 standing under subsection (d) is executed, all Fed-
4 eral signatories, as appropriate, shall assign to each
5 Program office established under subsection (e) 1 or
6 more employees who have expertise in the regulatory
7 issues relating to the office or agency in which the
8 employee is employed, including, as applicable, par-
9 ticular expertise in—

10 (A) consultation regarding, and prepara-
11 tion of, biological opinions under section 7 of
12 the Endangered Species Act of 1973 (16 U.S.C.
13 1536);

14 (B) permits under section 404 of the Fed-
15 eral Water Pollution Control Act (33 U.S.C.
16 1344);

17 (C) regulatory matters under the Clean Air
18 Act (42 U.S.C. 7401 et seq.);

19 (D) the Federal Land Policy and Manage-
20 ment Act of 1976 (43 U.S.C. 1701 et seq.);

21 (E) planning under section 14 of the Na-
22 tional Forest Management Act of 1976 (16
23 U.S.C. 472a);

1 (F) developing geothermal resources under
2 the Geothermal Steam Act of 1970 (30 U.S.C.
3 1001 et seq.); and

4 (G) the preparation of analyses under the
5 National Environmental Policy Act of 1969 (42
6 U.S.C. 4321 et seq.).

7 (2) DUTIES.—Each employee assigned under
8 paragraph (1) shall—

9 (A) not later than 90 days after the date
10 on which the employee is assigned, report to the
11 State Director of the Bureau of Land Manage-
12 ment for the State in which the office to which
13 the employee is assigned is located;

14 (B) be responsible for all issues relating to
15 the jurisdiction of the home office or agency of
16 the employee; and

17 (C) participate as part of the team of per-
18 sonnel working on proposed energy projects,
19 planning, and environmental analyses.

20 (f) ADDITIONAL PERSONNEL.—The Secretary shall
21 assign to each Program office any additional personnel
22 that are necessary to ensure the effective implementation
23 of—

24 (1) the Program; and

1 (2) any program administered by the Program
2 office, including inspection and enforcement relating
3 to energy development on Federal land, in accord-
4 ance with the multiple use mandate of the Federal
5 Land Policy and Management Act of 1976 (43
6 U.S.C. 1701 et seq.).

7 (g) TRANSFER OF FUNDS.—To facilitate the coordi-
8 nation and processing of geothermal permits on Federal
9 land under the administration of a Program office, the
10 Secretary may authorize the expenditure or transfer of
11 any funds that are necessary to—

12 (1) the United States Fish and Wildlife Service;

13 (2) the Bureau of Indian Affairs;

14 (3) the Forest Service;

15 (4) the Environmental Protection Agency;

16 (5) the Corps of Engineers;

17 (6) the Department of Defense; or

18 (7) any State in which a geothermal project is
19 located.

20 (h) REPORTS.—Not later than 3 years after the date
21 of enactment of this Act, the Secretary shall submit to
22 Congress a report that describes—

23 (1) the progress of the Program; and

1 (2) any problems relating to leasing, permitting,
2 or siting with respect to geothermal energy develop-
3 ment on Federal land.

4 (i) SAVINGS CLAUSE.—Nothing in this section af-
5 fects—

6 (1) the operation of any Federal or State law;
7 or

8 (2) any delegation of authority made by the
9 head of a Federal agency any employee of which is
10 participating in the Program.