

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 5587  
OFFERED BY MR. WESTERMAN OF ARKANSAS**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Harnessing Energy  
3 At Thermal Sources Act of 2026” 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

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

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

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

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

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

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

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

23          “(c) ROYALTIES AND PRODUCTION ACCOUNT-  
24          ABILITY.—(1) Nothing in this section shall affect the  
25          amount of royalties due to the United States under this

1 Act from the production of electricity using geothermal re-  
2 sources (other than direct use of geothermal resources) or  
3 the production of any byproducts.

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

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

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

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

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

18 “(A) in trust by the United States for the  
19 benefit of an Indian tribe or an individual In-  
20 dian;

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

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

