

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5631
OFFERED BY MR. HURD OF COLORADO**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Geothermal Ombuds-
3 man for National Deployment and Optimal Reviews Act”.

4 **SEC. 2. GEOTHERMAL OMBUDSMAN AND PERMITTING TASK**

5 **FORCE.**

6 (a) **DEFINITIONS.**—In this section:

7 (1) **GEOTHERMAL AUTHORIZATION.**—The term
8 “geothermal authorization” means any license, per-
9 mit, approval, finding, determination, or other ad-
10 ministrative decision issued by the Bureau of Land
11 Management and any interagency consultation that
12 is required or authorized under Federal law in order
13 to site, construct, reconstruct, or commence oper-
14 ations of a geothermal energy project administered
15 by the Bureau of Land Management.

16 (2) **GEOTHERMAL ENERGY PROJECT.**—The
17 term “geothermal energy project” means a project

1 wholly or partially located on public land that uses
2 geothermal energy to generate heat or electricity.

3 (3) PUBLIC LAND.—The term “public land”
4 means lands subject to geothermal leasing under
5 section 3 of the Geothermal Steam Act of 1970 (30
6 U.S.C. 1002).

7 (4) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 (5) TASK FORCE.—The term “Task Force”
10 means the Geothermal Permitting Task Force estab-
11 lished under subsection (c).

12 (b) GEOTHERMAL OMBUDSMAN.—

13 (1) IN GENERAL.—Not later than 60 days after
14 the date of enactment of this Act, the Secretary
15 shall appoint from within the Bureau of Land Man-
16 agement a Geothermal Ombudsman.

17 (2) DUTIES.—The Geothermal Ombudsman ap-
18 pointed under paragraph (1) shall—

19 (A) act as a liaison between—

20 (i) the individual field, district, and
21 State offices of the Bureau of Land Man-
22 agement;

23 (ii) the Division Chief of the National
24 Renewable Energy Coordination Office of
25 the Bureau of Land Management; and

1 (iii) the Director of the Bureau of
2 Land Management;

3 (B) provide dispute resolution services be-
4 tween the individual field, district, and State of-
5 fices of the Bureau of Land Management and
6 applicants for geothermal authorizations;

7 (C) monitor and facilitate permit proc-
8 essing practices and timelines across individual
9 field offices of the Bureau of Land Manage-
10 ment;

11 (D) develop best practices for the permit-
12 ting and leasing process for geothermal re-
13 sources; and

14 (E) coordinate with the Federal Permitting
15 Improvement Steering Council.

16 (c) GEOTHERMAL PERMITTING TASK FORCE.—

17 (1) ESTABLISHMENT.—Not later than 60 days
18 after the date of enactment of this Act, the Sec-
19 retary shall establish within the Bureau of Land
20 Management a Geothermal Permitting Task Force.

21 (2) LEADERSHIP.—The Task Force shall be
22 headed by the Geothermal Ombudsman appointed
23 under subsection (b).

1 (3) PERMITTING SUPPORT.—The Task Force
2 shall support the duties of the Geothermal Ombuds-
3 man appointed under subsection (b).

4 (4) CROSS-OFFICE PERSONNEL ASSIGN-
5 MENTS.—

6 (A) IN GENERAL.—In their capacity as
7 head of the Task Force, the Geothermal Om-
8 budsman may coordinate with any Depart-
9 mental bureau or office to assign personnel with
10 relevant expertise to assist with completion of
11 geothermal authorizations in field, district, or
12 State offices other than the official duty station
13 where such personnel are located if—

14 (i) the Departmental bureau or office
15 determines that such assignment will not
16 materially delay ongoing completion of au-
17 thorizations within the office where the
18 employee is located; and

19 (ii) approval is received from the head
20 of the official duty station where the as-
21 signed employee is located.

22 (B) ASSIGNED PERSONNEL REQUIRE-
23 MENTS.—Department personnel assigned to as-
24 sist with completion of geothermal authoriza-
25 tions under subparagraph (A) shall—

1 (i) work in-person full-time at an offi-
2 cial Department office;

3 (ii) if necessary as determined by the
4 Geothermal Ombudsman, travel to the Bu-
5 reau of Land Management field, district,
6 or State office with jurisdiction over the
7 geothermal authorization to which the em-
8 ployee has been assigned by the Geo-
9 thermal Ombudsman;

10 (iii) participate as part of the team of
11 personnel working on geothermal author-
12 izations to which the employee has been
13 assigned by the Geothermal Ombudsman;
14 and

15 (iv) regularly report to the head of the
16 field, district, or State office of the Bureau
17 of Land Management with jurisdiction over
18 geothermal authorizations to which the em-
19 ployee has been assigned by the Geo-
20 thermal Ombudsman.

21 (C) RETENTION ALLOWANCES.—

22 (i) IN GENERAL.—Subject to the
23 availability of appropriations, the Geo-
24 thermal Ombudsman may pay a retention
25 allowance to an employee assigned to assist

1 with the completion of geothermal author-
2 izations under subparagraph (A). Reten-
3 tion allowances—

4 (I) shall be stated as the percent-
5 age of the rate of basic pay of an em-
6 ployee, and may not exceed 25 percent
7 of such rate of basic pay;

8 (II) may not be considered to be
9 part of the basic pay of an employee,
10 and the reduction or elimination of a
11 retention allowance may not be ap-
12 pealed; and

13 (III) shall be paid at the same
14 time and in the same manner as the
15 employee's basic pay is paid.

16 (ii) CONSIDERATIONS.—In exercising
17 the retention allowance authority described
18 in clause (i), the Geothermal Ombudsman
19 shall consider—

20 (I) an employee's specialized ex-
21 pertise related to geothermal author-
22 izations;

23 (II) the demonstrated need to re-
24 tain an employee to meet the perform-
25 ance improvement objectives for geo-

1 thermal authorization timelines and
2 develop best practices for completion
3 of geothermal authorizations; and

4 (III) the difficulty in recruiting
5 or replacing qualified personnel with
6 relevant expertise related to geo-
7 thermal authorizations.

8 (D) SAVINGS CLAUSE.—Cross-office per-
9 sonnel assignments carried out under this para-
10 graph shall not alter the underlying jurisdiction
11 of other offices of the Bureau of Land Manage-
12 ment over applicable geothermal authorizations.

13 (d) REPORT.—The Geothermal Ombudsman shall
14 submit to the Committee on Energy and Natural Re-
15 sources of the Senate and the Committee on Natural Re-
16 sources of the House of Representatives an annual report
17 that describes the activities of the Task Force and evalu-
18 ates the effectiveness of geothermal permit processing dur-
19 ing the preceding 1-year period.

