

HARNESSING ENERGY AT THERMAL SOURCES ACT OF
2026

APRIL 15, 2026.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 5587]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5587) 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Harnessing Energy At Thermal Sources Act of 2026” or the “HEATS Act”.

SEC. 2. NO FEDERAL PERMIT REQUIRED FOR GEOTHERMAL ACTIVITIES ON CERTAIN LAND.

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

“SEC. 30. NO FEDERAL PERMIT REQUIRED FOR GEOTHERMAL ACTIVITIES ON CERTAIN LAND.

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

“(1) the United States holds an ownership interest of less than 50 percent of the subsurface geothermal estate to be accessed by the proposed action; and

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

“(b) NO FEDERAL ACTION.—A geothermal exploration and production activity carried out under subsection (a)—

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

“(2) shall require no additional Federal action;

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

“(4) shall not be subject to section 7 of the Endangered Species Act of 1973; and

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

“(c) ROYALTIES AND PRODUCTION ACCOUNTABILITY.—(1) Nothing in this section shall affect the amount of royalties due to the United States under this Act from the production of electricity using geothermal resources (other than direct use of geothermal resources) or the production of any byproducts.

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

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

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

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

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

“(A) in trust by the United States for the benefit of an Indian tribe or an individual Indian;

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

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

PURPOSE OF THE LEGISLATION

The purpose of H.R. 5587 is 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.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 5587, the “Harnessing Energy At Thermal Sources Act of 2026” or the “HEATS Act,” would expedite the development of geothermal energy on non-federal land where federal minerals are already developed. Currently, geothermal operators on non-federal land producing any quantity of federal resources must abide by all federal laws and permitting processes—even if the federal minerals component of overall production is minuscule. H.R. 5587 would relieve this burden by clarifying that geothermal exploration or production wells on non-federal land are not subject to National Environmental Policy Act (NEPA),¹ Section 7 of the Endangered Species Act (ESA),² or Section 106 of the National Historic Preservation Act (NHPA)³ if (1) the U.S. holds an ownership interest of less than 50 percent of the subsurface geothermal estate and (2) the operator receives a drilling permit from the applicable state. To avoid the degradation of historic properties, Section 106 of the NHPA would be waived only if the state in which the geothermal explo-

¹ 42 U.S.C. 4321.

² 16 U.S.C. 1536(a)–(d).

³ 54 U.S.C. 306108.

ration and production activity occurs already has a state law in effect to preserve historic properties.

Under current law, geothermal energy operators pay a royalty of between 1 percent and 2.5 percent of the gross proceeds from the sale of electricity produced during the first ten years of production.⁴ Thereafter, the royalty is between 2 and 5 percent each year.⁵ Since H.R. 5587 would not alter these royalty payments, it would not diminish the federal revenues created by geothermal production. Rather, the bill would lighten the administrative responsibilities of federal agencies, while expediting the permitting process for geothermal development.

COMMITTEE ACTION

H.R. 5587 was introduced on September 26, 2025, by Representative Young Kim (R-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Energy and Mineral Resources. On December 16, 2025, the Subcommittee on Energy and Mineral Resources held a hearing on the bill. On March 5, 2026, the Committee on Natural Resources met to consider the bill. The Subcommittee on Energy and Mineral Resources was discharged from further consideration of H.R. 5587 by unanimous consent. Chairman Bruce Westerman (R-AR) offered an Amendment in the Nature of a Substitute designated Westerman_060 ANS. The Amendment in the Nature of a Substitute was agreed to by voice vote. Representative Emily Randall (D-WA) offered an amendment to the Amendment in the Nature of a Substitute designated Randall #1. The amendment was not agreed to by a roll call vote of 16 yeas to 21 nays, as follows:

⁴30 U.S.C. 1004.

⁵*Id.*

Committee on Natural Resources

U.S. House of Representatives

119th Congress

Date: March 5, 2026

Recorded Vote #: 3

Meeting on / Amendment on: **Randall #1 amendment** to Westerman_060 ANS to **H.R. 5587 (Rep. Kim)**,
"Harnessing Energy At Thermal Sources Act" or the *"HEATS Act"*

| MEMBERS | Yea | Nay | Pres | MEMBERS | Yea | Nay | Pres |
|-----------------------------|-----|-----|------|-------------------------|-----|-----|------|
| Mr. Westerman, AR, Chairman | | X | | Mr. Huffman, CA | X | | |
| Mr. Wittman, VA | | X | | Mr. Neguse, CO | | | |
| Mr. McClintock, CA | | | | Ms. Leger Fernandez, NM | X | | |
| Mr. Gosar, AZ | | X | | Ms. Stansbury, NM | X | | |
| Mrs. Radewagen, AS | | X | | Ms. Hoyle, OR | X | | |
| Mr. Webster, FL | | X | | Mr. Magaziner, RI | X | | |
| Mr. Fulcher, ID | | X | | Mr. Golden, ME | | | |
| Mr. Stauber, MN | | X | | Mr. Min, CA | X | | |
| Mr. Tiffany, WI | | X | | Ms. Dexter, OR | X | | |
| Ms. Boebert, CO | | | | Mr. Hernández, PR | X | | |
| Mr. Bentz, OR | | X | | Ms. Randall, WA | X | | |
| Ms. Kiggans, VA | | X | | Ms. Ansari, AZ | | | |
| Mr. Hunt, TX | | X | | Ms. Elfreth, MD | X | | |
| Mr. Collins, GA | | X | | Mr. Gray, CA | X | | |
| Ms. Hageman, WY | | X | | Ms. Rivas, CA | X | | |
| Mr. Amodei, NV | | X | | Ms. Grijalva, AZ | X | | |
| Mr. Walberg, MI | | | | Mrs. Dingell, MI | X | | |
| Mr. Ezell, MS | | X | | Mr. Soto, FL | | | |
| Ms. Maloy, UT | | X | | Ms. Brownley, CA | X | | |
| Mr. McDowell, NC | | X | | Ms. Lee, NV | X | | |
| Mr. Crank, CO | | X | | | | | |
| Mr. Begich, AK | | X | | | | | |
| Mr. Hurd, CO | | X | | | | | |
| Mr. Kennedy, UT | | X | | | | | |
| Vacancy | | | | TOTAL: | 16 | 21 | |

Representative Pablo Hernández (D-PR) offered an amendment to the Amendment in the Nature of a Substitute designated Hernandez #2. The amendment was withdrawn. The bill, as amended, was ordered favorably reported to the House of Representatives by a roll call vote of 23 yeas to 15 nays, as follows:

Committee on Natural Resources

U.S. House of Representatives

119th Congress

Date: March 5, 2026

Recorded Vote #: 4

Meeting on / Amendment on: **On Favorably Reporting, as amended, H.R. 5587 (Rep. Kim),**
"Harnessing Energy At Thermal Sources Act" or the "HEATS Act"

| MEMBERS | Yea | Nay | Pres | MEMBERS | Yea | Nay | Pres |
|-----------------------------|-----|-----|------|-------------------------|-----|-----|------|
| Mr. Westerman, AR, Chairman | X | | | Mr. Huffman, CA | | X | |
| Mr. Wittman, VA | X | | | Mr. Neguse, CO | | | |
| Mr. McClintock, CA | | | | Ms. Leger Fernandez, NM | | X | |
| Mr. Gosar, AZ | X | | | Ms. Stansbury, NM | | X | |
| Mrs. Radewagen, AS | X | | | Ms. Hoyle, OR | | X | |
| Mr. Webster, FL | X | | | Mr. Magaziner, RI | | X | |
| Mr. Fulcher, ID | X | | | Mr. Golden, ME | | | |
| Mr. Stauber, MN | X | | | Mr. Min, CA | | X | |
| Mr. Tiffany, WI | X | | | Ms. Dexter, OR | | X | |
| Ms. Boebert, CO | | | | Mr. Hernández, PR | | X | |
| Mr. Bentz, OR | X | | | Ms. Randall, WA | | X | |
| Ms. Kiggans, VA | X | | | Ms. Ansari, AZ | | | |
| Mr. Hunt, TX | X | | | Ms. Elfreth, MD | | X | |
| Mr. Collins, GA | X | | | Mr. Gray, CA | X | | |
| Ms. Hageman, WY | X | | | Ms. Rivas, CA | | X | |
| Mr. Amodei, NV | X | | | Ms. Grijalva, AZ | | X | |
| Mr. Walberg, MI | X | | | Mrs. Dingell, MI | | X | |
| Mr. Ezell, MS | X | | | Mr. Soto, FL | | | |
| Ms. Maloy, UT | X | | | Ms. Brownley, CA | | X | |
| Mr. McDowell, NC | X | | | Ms. Lee, NV | | X | |
| Mr. Crank, CO | X | | | | | | |
| Mr. Begich, AK | X | | | | | | |
| Mr. Hurd, CO | X | | | | | | |
| Mr. Kennedy, UT | X | | | | | | |
| Vacancy | | | | TOTAL: | 23 | 15 | |

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Energy and Mineral Resources held on December 16, 2025.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 names the bill the “Harnessing Energy At Thermal Sources Act of 2026” or the “HEATS Act.”

Section 2. No Federal permit required for geothermal activities on certain land

Section 2 amends the Geothermal Steam Act of 1970, stipulating that geothermal wells on non-federal lands are not subject to NEPA, Section 7 of the ESA, or Section 106 of the NHPA if the U.S. holds an ownership interest of less than 50 percent of the geothermal estate and the operator receives a drilling permit from the respective state and complies with state historic preservation requirements.

This section also clarifies that this bill will not affect royalties due to the U.S. from geothermal production.

Finally, Section 2 stipulates that this bill will not apply to actions on Indian lands or resources managed in trust for the benefit of Indian Tribes.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

PERFORMANCE GOALS AND OBJECTIVES

As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is 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.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY,
AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATES

Pursuant to clause 3(d)(1) of House rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the

Congressional Budget Office pursuant to the Congressional Budget Act of 1974.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

The Committee adopts as its own the estimate of the Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

GEOTHERMAL STEAM ACT OF 1970

* * * * *

SEC. 30. NO FEDERAL PERMIT REQUIRED FOR GEOTHERMAL ACTIVITIES ON CERTAIN LAND.

(a) *IN GENERAL.*—*The Secretary shall not require an operator to obtain a Federal drilling permit for geothermal exploration and production activities conducted on a non-Federal surface estate, provided that—*

(1) *the United States holds an ownership interest of less than 50 percent of the subsurface geothermal estate to be accessed by the proposed action; and*

(2) *the operator submits to the Secretary a State permit to conduct geothermal exploration and production activities on the non-Federal surface estate.*

(b) *NO FEDERAL ACTION.*—*A geothermal exploration and production activity carried out under subsection (a)—*

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

(2) *shall require no additional Federal action;*

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

(4) *shall not be subject to section 7 of the Endangered Species Act of 1973; and*

(5) *shall only be considered an undertaking under division A of subtitle III of title 54, United States Code (commonly referred to as the “National Historic Preservation Act”), if, with respect to the State in which the activity occurs, there is no State law in effect that addresses the preservation of historic properties in such State.*

(c) *ROYALTIES AND PRODUCTION ACCOUNTABILITY.*—(1) *Nothing in this section shall affect the amount of royalties due to the United States under this Act from the production of electricity using geothermal resources (other than direct use of geothermal resources) or the production of any byproducts.*

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

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

(e) *INDIAN LAND.*—*In this section, the term “Indian land” means—*

(1) *any land located within the boundaries of an Indian reservation, pueblo, or rancharia; and*

(2) *any land not located within the boundaries of an Indian reservation, pueblo, or rancharia, the title to which is held—*

(A) *in trust by the United States for the benefit of an Indian tribe or an individual Indian;*

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

(C) *by a dependent Indian community.*

DISSENTING VIEWS

H.R. 5587 would exempt certain geothermal exploration and production activities from longstanding federal oversight and permitting requirements. Specifically, the bill allows projects occurring on non-federal surface estate and involving less than 50 percent federal subsurface estate to proceed without a federal drilling permit and without review under the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and National Historic Preservation Act (NHPA). This is an extreme waiver of the federal government's responsibilities to steward public resources.

Under current law, the Bureau of Land Management (BLM) must conduct environmental review under NEPA before approving any project involving federal subsurface resources. Even where projects occur on non-federal surface estate, operators are still required to obtain a geothermal drilling permit when federal subsurface resources are involved. Subsurface activities can have significant surface impacts, including induced seismicity, land subsidence, the creation of sinkholes, and impacts on groundwater used for drinking and irrigation.

H.R. 5587 would eliminate essential safeguards, including environmental review, consultation under the ESA, engagement with Tribal governments, and opportunities for public input. In previous Congresses, BLM testified in opposition to the legislation, noting that it would strip the Secretary of the Interior's authority necessary to ensure geothermal development is conducted safely, in compliance with applicable laws, and consistent with the agency's multiple-use and sustained-yield mandate. The bill would undermine the BLM's core responsibility to ensure that activities affecting federal resources protect the environment, nearby communities, Tribal interests, other landowners, and the taxpayers.

Split-estate landowners rely on the federal government to protect their land. The mineral estate is the dominant estate, giving those with mineral rights priority over surface rights. The federal drilling permit process is often the only mechanism for considering how a proposed plan of operations would affect many resources on private land, including water impacts, ranching, and wildlife impacts. Any shortcomings in a state's permitting process would inappropriately leave federal taxpayers responsible for obligations created by the state.

Finally, H.R. 5587 continues an alarming pattern of proposals to waive federal environmental review for energy development—Republicans have attempted similar waivers for oil and gas development for years, which Democrats have strongly opposed. Regardless of the energy source involved, surface landowners deserve a say in the development of federal minerals beneath their land. This bill would set a dangerous precedent by eroding bedrock environmental laws and weakening accountability.

For these reasons, I oppose H.R. 5587.

JARED HUFFMAN,
Ranking Member.

○