

cluding drilling, operations, production, and other requirements) of the leases and make conditions with respect to the leases, with the consent of the lessees, in connection with the creation and operation of any such unit agreement as the Secretary may consider necessary or advisable to secure the protection of the public interest.

**(B) Unlike terms or rates**

Leases with unlike lease terms or royalty rates shall not be required to be modified to be in the same unit.

**(b) Requirement of plans under new leases**

The Secretary may—

(1) provide that geothermal leases issued under this chapter shall contain a provision requiring the lessee to operate under a unit agreement; and

(2) prescribe the unit agreement under which the lessee shall operate, which shall adequately protect the rights of all parties in interest, including the United States.

**(c) Modification of rate of prospecting, development, and production**

The Secretary may require that any unit agreement authorized by this section that applies to land owned by the United States contain a provision under which authority is vested in the Secretary, or any person, committee, or State or Federal officer or agency as may be designated in the unit agreement to alter or modify, from time to time, the rate of prospecting and development and the quantity and rate of production under the unit agreement.

**(d) Exclusion from determination of holding or control**

Any land that is subject to a unit agreement approved or prescribed by the Secretary under this section shall not be considered in determining holdings or control under section 1006 of this title.

**(e) Pooling of certain land**

If separate tracts of land cannot be independently developed and operated to use geothermal resources pursuant to any section of this chapter—

(1) the land, or a portion of the land, may be pooled with other land, whether or not owned by the United States, for purposes of development and operation under a communitization agreement providing for an apportionment of production or royalties among the separate tracts of land comprising the production unit, if the pooling is determined by the Secretary to be in the public interest; and

(2) operation or production pursuant to the communitization agreement shall be treated as operation or production with respect to each tract of land that is subject to the communitization agreement.

**(f) Unit agreement review**

**(1) In general**

Not later than 5 years after the date of approval of any unit agreement and at least every 5 years thereafter, the Secretary shall—

(A) review each unit agreement; and

(B) after notice and opportunity for comment, eliminate from inclusion in the unit

agreement any land that the Secretary determines is not reasonably necessary for unit operations under the unit agreement.

**(2) Basis for elimination**

The elimination shall—

(A) be based on scientific evidence; and

(B) occur only if the elimination is determined by the Secretary to be for the purpose of conserving and properly managing the geothermal resource.

**(3) Extension**

Any land eliminated under this subsection shall be eligible for an extension under section 1005(g) of this title if the land meets the requirements for the extension.

**(g) Drilling or development contracts**

**(1) In general**

The Secretary may, on such conditions as the Secretary may prescribe, approve drilling or development contracts made by one or more lessees of geothermal leases, with one or more persons, associations, or corporations if, in the discretion of the Secretary, the conservation of natural resources or the public convenience or necessity may require or the interests of the United States may be best served by the approval.

**(2) Holdings or control**

Each lease operated under an approved drilling or development contract, and interest under the contract, shall be excepted in determining holdings or control under section 1006 of this title.

**(h) Coordination with State governments**

The Secretary shall coordinate unitization and pooling activities with appropriate State agencies.

(Pub. L. 91-581, §18, Dec. 24, 1970, 84 Stat. 1571; Pub. L. 100-443, §4, Sept. 22, 1988, 102 Stat. 1768; Pub. L. 109-58, title II, §227, Aug. 8, 2005, 119 Stat. 666.)

AMENDMENTS

2005—Pub. L. 109-58 inserted section catchline and amended text generally. Prior to amendment, text related to cooperative or unit plan of development or operation of geothermal pool, field, or like area, public interest, determination and certification, regulations, protection of parties in interest, authority respecting rate of prospecting, development, and production, five year review, and leases excepted from control for purposes of State acreage limitation.

1988—Pub. L. 100-443, §4, inserted provisions relating to five year review of plans and elimination of leases from plans.

**§ 1018. Data from Federal agencies**

Upon request of the Secretary, other Federal departments and agencies shall furnish him with any relevant data then in their possession or knowledge concerning or having bearing upon fair and adequate charges to be made for geothermal steam produced or to be produced for conversion to electric power or other purposes. Data given to any department or agency as confidential under law shall not be furnished in any fashion which identifies or tends to identify the business entity whose activities are the subject

of such data or the person or persons who furnished such information.

(Pub. L. 91-581, §19, Dec. 24, 1970, 84 Stat. 1572; Pub. L. 109-58, title II, §236(18), Aug. 8, 2005, 119 Stat. 673.)

AMENDMENTS

2005—Pub. L. 109-58 inserted section catchline.

**§ 1019. Disposal of moneys from sales, bonuses, rentals, and royalties**

**(a) In general**

Except with respect to lands in the State of Alaska, all monies received by the United States from sales, bonuses, rentals, and royalties under this chapter shall be paid into the Treasury of the United States. Of amounts deposited under this subsection, subject to the provisions of subsection (b) of section 191 of this title and section 1004(a)(2) of this title—

(1) 50 percent shall be paid to the State within the boundaries of which the leased lands or geothermal resources are or were located; and

(2) 25 percent shall be paid to the county within the boundaries of which the leased lands or geothermal resources are or were located.

**(b) Use of payments**

Amounts paid to a State or county under subsection (a) of this section shall be used consistent with the terms of section 191 of this title.

(Pub. L. 91-581, §20, Dec. 24, 1970, 84 Stat. 1572; Pub. L. 100-443, §5(a), Sept. 22, 1988, 102 Stat. 1768; Pub. L. 103-66, title X, §10202(b), Aug. 10, 1993, 107 Stat. 408; Pub. L. 109-58, title II, §224(b), Aug. 8, 2005, 119 Stat. 663.)

AMENDMENTS

2005—Pub. L. 109-58 inserted section catchline and amended text generally. Prior to amendment, text read as follows: “Subject to the provisions of section 191(b) of this title, all moneys received from the sales, bonuses, royalties and rentals under the provisions of this chapter, including the payments referred to in section 1005(i) of this title, shall be disposed of in the same manner as such moneys received pursuant to section 191 of this title or pursuant to section 355 of this title, as the case may be.”

1993—Pub. L. 103-66 substituted “Subject to the provisions of section 191(b) of this title, all moneys” for “All moneys”.

1988—Pub. L. 100-443 amended section generally. Prior to amendment, section read as follows: “All moneys received under this chapter from public lands under the jurisdiction of the Secretary shall be disposed of in the same manner as moneys received from the sale of public lands. Moneys received under this chapter from other lands shall be disposed of in the same manner as other receipts from such lands.”

**§ 1020. Publication in Federal Register; reservation of mineral rights**

Geothermal resources in lands the surface of which has passed from Federal ownership but in which the minerals have been reserved to the United States shall not be developed or produced except under geothermal leases made pursuant to this chapter. If the Secretary of the Interior finds that such development is imminent, or that production from a well heretofore drilled on such lands is imminent, he shall so report to

the Attorney General, and the Attorney General is authorized and directed to institute an appropriate proceeding in the United States district court of the district in which such lands are located, to quiet the title of the United States in such resources, and if the court determines that the reservation of minerals to the United States in the lands involved included the geothermal resources, to enjoin their production otherwise than under the terms of this chapter: *Provided*, That upon an authoritative judicial determination that Federal mineral reservation does not include geothermal resources the duties of the Secretary of the Interior to report and of the Attorney General to institute proceedings, as hereinbefore set forth, shall cease.

(Pub. L. 91-581, §21, Dec. 24, 1970, 84 Stat. 1572; Pub. L. 109-58, title II, §236(1), (3), (19), Aug. 8, 2005, 119 Stat. 671, 673.)

AMENDMENTS

2005—Pub. L. 109-58 inserted section catchline, struck out “(b)” before “Geothermal”, substituted “does not include geothermal resources” for “does not include geothermal steam and associated geothermal resources”, and struck out subsec. (a) which read as follows: “Within one hundred and twenty days after December 24, 1970, the Secretary shall cause to be published in the Federal Register a determination of all lands which were included within any known geothermal resources area on December 24, 1970. He shall likewise publish in the Federal Register from time to time his determination of other known geothermal resources areas specifying in each case the date the lands were included in such area; and”.

**§ 1021. Federal exemption from State water laws**

Nothing in this chapter shall constitute an express or implied claim or denial on the part of the Federal Government as to its exemption from State water laws.

(Pub. L. 91-581, §22, Dec. 24, 1970, 84 Stat. 1573; Pub. L. 109-58, title II, §236(20), Aug. 8, 2005, 119 Stat. 673.)

AMENDMENTS

2005—Pub. L. 109-58 inserted section catchline.

**§ 1022. Prevention of waste; exclusivity**

(a) All leases under this chapter shall be subject to the condition that the lessee will, in conducting his exploration, development, and producing operations, use all reasonable precautions to prevent waste of geothermal resources developed in the lands leased.

(b) Rights to develop and utilize geothermal resources underlying lands owned by the United States may be acquired solely in accordance with the provisions of this chapter.

(Pub. L. 91-581, §23, Dec. 24, 1970, 84 Stat. 1573; Pub. L. 109-58, title II, §236(1), (21), Aug. 8, 2005, 119 Stat. 671, 673.)

AMENDMENTS

2005—Pub. L. 109-58 inserted section catchline and substituted “geothermal resources” for “geothermal steam and associated geothermal resources” in subsecs. (a) and (b).

**§ 1023. Rules and regulations**

The Secretary shall prescribe such rules and regulations as he may deem appropriate to carry