

(B) include information on the ways in which the scale of production may be replicated once the sugar cane industry has located sites for, and constructed, ethanol production facilities; and

(C) not last more than 3 years.

**(d) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$36,000,000, to remain available until expended.

(Pub. L. 109–58, title II, §208, Aug. 8, 2005, 119 Stat. 656.)

**§ 15855. Grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, and other commercial purposes**

**(a) Definitions**

In this section:

**(1) Biomass**

The term “biomass” means nonmerchantable materials or precommercial thinnings that are byproducts of preventive treatments, such as trees, wood, brush, thinnings, chips, and slash, that are removed—

- (A) to reduce hazardous fuels;
- (B) to reduce or contain disease or insect infestation; or
- (C) to restore forest health.

**(2) Indian tribe**

The term “Indian tribe” has the meaning given the term in section 5304(e) of title 25.

**(3) Nonmerchantable**

For purposes of subsection (b), the term “nonmerchantable” means that portion of the byproducts of preventive treatments that would not otherwise be used for higher value products.

**(4) Person**

The term “person” includes—

- (A) an individual;
- (B) a community (as determined by the Secretary concerned);
- (C) an Indian tribe;
- (D) a small business or a corporation that is incorporated in the United States; and
- (E) a nonprofit organization.

**(5) Preferred community**

The term “preferred community” means—

- (A) any Indian tribe;
- (B) any town, township, municipality, or other similar unit of local government (as determined by the Secretary concerned) that—
  - (i) has a population of not more than 50,000 individuals; and
  - (ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near Federal or Indian land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation; or
- (C) any county that—

(i) is not contained within a metropolitan statistical area; and

(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near Federal or Indian land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation.

**(6) Secretary concerned**

The term “Secretary concerned” means the Secretary of Agriculture or the Secretary of the Interior.

**(b) Biomass commercial use grant program**

**(1) In general**

The Secretary concerned may make grants to any person in a preferred community that owns or operates a facility that uses biomass as a raw material to produce electric energy, sensible heat, or transportation fuels to offset the costs incurred to purchase biomass for use by such facility.

**(2) Grant amounts**

A grant under this subsection may not exceed \$20 per green ton of biomass delivered.

**(3) Monitoring of grant recipient activities**

As a condition of a grant under this subsection, the grant recipient shall keep such records as the Secretary concerned may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of biomass. Upon notice by a representative of the Secretary concerned, the grant recipient shall afford the representative reasonable access to the facility that purchases or uses biomass and an opportunity to examine the inventory and records of the facility.

**(c) Improved biomass use grant program**

**(1) In general**

The Secretary concerned may make grants to persons to offset the cost of projects to develop or research opportunities to improve the use of, or add value to, biomass. In making such grants, the Secretary concerned shall give preference to persons in preferred communities.

**(2) Selection**

The Secretary concerned shall select a grant recipient under paragraph (1) after giving consideration to—

- (A) the anticipated public benefits of the project, including the potential to develop thermal or electric energy resources or affordable energy;
- (B) opportunities for the creation or expansion of small businesses and micro-businesses;
- (C) the potential for new job creation;
- (D) the potential for the project to improve efficiency or develop cleaner technologies for biomass utilization; and
- (E) the potential for the project to reduce the hazardous fuels from the areas in greatest need of treatment.

**(3) Grant amount**

A grant under this subsection may not exceed \$500,000.

**(d) Authorization of appropriations**

There are authorized to be appropriated \$50,000,000 for fiscal year 2006 and \$35,000,000 for each of fiscal years 2007 through 2016 to carry out this section.

**(e) Report**

Not later than October 1, 2010, the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Resources, the Committee on Energy and Commerce, and the Committee on Agriculture of the House of Representatives, a report describing the results of the grant programs authorized by this section. The report shall include the following:

(1) An identification of the size, type, and use of biomass by persons that receive grants under this section.

(2) The distance between the land from which the biomass was removed and the facility that used the biomass.

(3) The economic impacts, particularly new job creation, resulting from the grants to and operation of the eligible operations.

(Pub. L. 109–58, title II, §210, Aug. 8, 2005, 119 Stat. 658; Pub. L. 109–375, §6, Dec. 1, 2006, 120 Stat. 2658.)

## AMENDMENTS

2006—Subsec. (d). Pub. L. 109–375 substituted “\$50,000,000 for fiscal year 2006 and \$35,000,000 for each of fiscal years 2007 through 2016” for “\$50,000,000 for each of the fiscal years 2006 through 2016”.

## CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

## PART B—GEOTHERMAL ENERGY

**§ 15871. Coordination of geothermal leasing and permitting on Federal lands****(a) In general**

Not later than 180 days after August 8, 2005, the Secretary of the Interior and the Secretary of Agriculture shall enter into and submit to Congress a memorandum of understanding in accordance with this section, the Geothermal Steam Act of 1970 (as amended by this Act) [30 U.S.C. 1001 et seq.], and other applicable laws, regarding coordination of leasing and permitting for geothermal development of public lands and National Forest System lands under their respective jurisdictions.

**(b) Lease and permit applications**

The memorandum of understanding shall—

(1) establish an administrative procedure for processing geothermal lease applications, including lines of authority, steps in application processing, and time limits for application processing;

(2) establish a 5-year program for geothermal leasing of lands in the National Forest System, and a process for updating that program every 5 years; and

(3) establish a program for reducing the backlog of geothermal lease application pending on January 1, 2005, by 90 percent within the 5-year period beginning on August 8, 2005, including, as necessary, by issuing leases, rejecting lease applications for failure to comply with the provisions of the regulations under which they were filed, or determining that an original applicant (or the applicant’s assigns, heirs, or estate) is no longer interested in pursuing the lease application.

**(c) Data retrieval system**

The memorandum of understanding shall establish a joint data retrieval system that is capable of tracking lease and permit applications and providing to the applicant information as to their status within the Departments of the Interior and Agriculture, including an estimate of the time required for administrative action.

(Pub. L. 109–58, title II, §225, Aug. 8, 2005, 119 Stat. 665.)

## REFERENCES IN TEXT

The Geothermal Steam Act of 1970, referred to in subsec. (a), is Pub. L. 91–581, Dec. 24, 1970, 84 Stat. 1566, as amended, which is classified principally to chapter 23 (§1001 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 30 and Tables.

This Act, referred to in subsec. (a), is Pub. L. 109–58, Aug. 8, 2005, 119 Stat. 594, as amended, known as the Energy Policy Act of 2005, which enacted this chapter and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 15801 of this title and Tables.

**§ 15872. Assessment of geothermal energy potential**

Not later than 3 years after August 8, 2005, and thereafter as the availability of data and developments in technology warrants, the Secretary of the Interior, acting through the Director of the United States Geological Survey and in cooperation with the States, shall—

(1) update the Assessment of Geothermal Resources made during 1978; and

(2) submit to Congress the updated assessment.

(Pub. L. 109–58, title II, §226, Aug. 8, 2005, 119 Stat. 665.)

**§ 15873. Deposit and use of geothermal lease revenues for 5 fiscal years****(a) Deposit of geothermal resources leases**

Notwithstanding any other provision of law, amounts received by the United States in the first 5 fiscal years beginning after August 8, 2005, as rentals, royalties, and other payments required under leases under the Geothermal Steam Act of 1970 [30 U.S.C. 1001 et seq.], excluding funds required to be paid to State and county governments, shall be deposited into a separate account in the Treasury.

**(b) Use of deposits**

Amounts deposited under subsection (a) shall be available to the Secretary of the Interior for expenditure, without further appropriation and