

117TH CONGRESS
1ST SESSION

S. 1076

To amend the Energy Policy Act of 2005 to require the Secretary of the Interior to establish a program to plug, remediate, and reclaim orphaned oil and gas wells and surrounding land, to provide funds to State and Tribal governments to plug, remediate, and reclaim orphaned oil and gas wells and surrounding land, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 12, 2021

Mr. LUJÁN (for himself and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Energy Policy Act of 2005 to require the Secretary of the Interior to establish a program to plug, remediate, and reclaim orphaned oil and gas wells and surrounding land, to provide funds to State and Tribal governments to plug, remediate, and reclaim orphaned oil and gas wells and surrounding land, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Revive Economic
3 Growth and Reclaim Orphaned Wells Act of 2021” or the
4 “REGROW Act of 2021”.

5 **SEC. 2. ORPHANED WELL SITE PLUGGING, REMEDIATION,**
6 **AND RESTORATION.**

7 Section 349 of the Energy Policy Act of 2005 (42
8 U.S.C. 15907) is amended to read as follows:

9 **“SEC. 349. ORPHANED WELL SITE PLUGGING, REMEDI-**
10 **ATION, AND RESTORATION.**

11 “(a) DEFINITIONS.—In this section:

12 “(1) FEDERAL LAND.—The term ‘Federal land’
13 means land administered by a land management
14 agency within—

15 “(A) the Department of Agriculture; or

16 “(B) the Department of the Interior.

17 “(2) IDLED WELL.—The term ‘idled well’
18 means a well—

19 “(A) that has been nonoperational for not
20 fewer than 4 years; and

21 “(B) for which there is no anticipated ben-
22 eficial future use.

23 “(3) INDIAN TRIBE.—The term ‘Indian Tribe’
24 has the meaning given the term in section 4 of the
25 Indian Self-Determination and Education Assistance
26 Act (25 U.S.C. 5304).

1 “(4) OPERATOR.—The term ‘operator’, with re-
2 spect to an oil or gas operation, means any entity,
3 including a lessee or operating rights owner, that
4 has provided to a relevant authority a written state-
5 ment that the entity is responsible for the oil or gas
6 operation, or any portion of the operation.

7 “(5) ORPHANED WELL.—The term ‘orphaned
8 well’—

9 “(A) with respect to Federal land or Tribal
10 land, means a well—

11 “(i) that is not used for an authorized
12 purpose, such as production, injection, or
13 monitoring; and

14 “(ii)(I) for which no operator can be
15 located; or

16 “(II) the operator of which is un-
17 able—

18 “(aa) to plug the well; and

19 “(bb) to remediate and reclaim
20 the well site; and

21 “(B) with respect to State or private
22 land—

23 “(i) has the meaning given the term
24 by the applicable State; or

1 “(ii) if that State uses different termi-
 2 nology, has the meaning given another
 3 term used by the State to describe a well
 4 eligible for plugging, remediation, and rec-
 5 lamation by the State.

6 “(6) TRIBAL LAND.—The term ‘Tribal land’
 7 means any land or interest in land owned by an In-
 8 dian Tribe, the title to which is—

9 “(A) held in trust by the United States; or

10 “(B) subject to a restriction against alien-
 11 ation under Federal law.

12 “(b) FEDERAL PROGRAM.—

13 “(1) ESTABLISHMENT.—Not later than 60 days
 14 after the date of enactment of the Revive Economic
 15 Growth and Reclaim Orphaned Wells Act of 2021,
 16 the Secretary shall establish a program to plug, re-
 17 mediate, and reclaim orphaned wells located on Fed-
 18 eral land.

19 “(2) INCLUDED ACTIVITIES.—The program
 20 under this subsection shall—

21 “(A) include a method of—

22 “(i) identifying, characterizing, and
 23 inventorying orphaned wells and associated
 24 pipelines, facilities, and infrastructure on
 25 Federal land; and

1 “(ii) ranking those orphaned wells for
2 priority in plugging, remediation, and rec-
3 lamation, based on—

4 “(I) public health and safety;

5 “(II) potential environmental
6 harm; and

7 “(III) other subsurface impacts
8 or land use priorities;

9 “(B) distribute funding in accordance with
10 the priorities established under subparagraph
11 (A)(ii) for—

12 “(i) plugging orphaned wells;

13 “(ii) remediating and reclaiming well
14 pads and facilities associated with or-
15 phaned wells;

16 “(iii) remediating soil and restoring
17 native species habitat that has been de-
18 graded due to the presence of orphaned
19 wells and associated pipelines, facilities,
20 and infrastructure; and

21 “(iv) remediating land adjacent to or-
22 phaned wells and decommissioning or re-
23 moving associated pipelines, facilities, and
24 infrastructure;

1 “(C) provide a public accounting of the
2 costs of plugging, remediation, and reclamation
3 for each orphaned well;

4 “(D) seek to determine the identities of po-
5 tentially responsible parties associated with the
6 orphaned well (or a surety or guarantor of such
7 a party), to the extent such information can be
8 ascertained, and make efforts to obtain reim-
9 bursement for expenditures to the extent prac-
10 ticable;

11 “(E) measure and track—

12 “(i) emissions of methane and other
13 gases associated with orphaned wells; and

14 “(ii) contamination of groundwater or
15 surface water associated with orphaned
16 wells; and

17 “(F) identify and address any dispropor-
18 tionate burden of adverse human health or envi-
19 ronmental effects of orphaned wells on commu-
20 nities of color, low-income communities, and
21 Tribal and indigenous communities.

22 “(3) IDLED WELLS.—The Secretary, acting
23 through the Director of the Bureau of Land Man-
24 agement, shall—

1 “(A) periodically review all idled wells on
 2 Federal land; and

3 “(B) reduce the inventory of idled wells on
 4 Federal land.

5 “(4) COOPERATION AND CONSULTATION.—In
 6 carrying out the program under this subsection, the
 7 Secretary shall—

8 “(A) work cooperatively with—

9 “(i) the Secretary of Agriculture;

10 “(ii) affected Indian Tribes; and

11 “(iii) each State within which Federal
 12 land is located; and

13 “(B) consult with—

14 “(i) the Secretary of Energy; and

15 “(ii) the Interstate Oil and Gas Com-
 16 pact Commission.

17 “(c) FUNDING FOR STATE PROGRAMS.—

18 “(1) IN GENERAL.—The Secretary shall provide
 19 to States, in accordance with this subsection—

20 “(A) initial grants under paragraph (3);

21 “(B) formula grants under paragraph (4);

22 and

23 “(C) performance grants under paragraph
 24 (5).

25 “(2) ACTIVITIES.—

1 “(A) IN GENERAL.—A State may use
2 funding provided under this subsection for any
3 of the following purposes:

4 “(i) To plug, remediate, and reclaim
5 orphaned wells located on State-owned or
6 privately owned land.

7 “(ii) To identify and characterize un-
8 documented orphaned wells on State and
9 private land.

10 “(iii) To rank orphaned wells based
11 on factors including—

12 “(I) public health and safety;

13 “(II) potential environmental
14 harm; and

15 “(III) other land use priorities.

16 “(iv) To make information regarding
17 the use of funds received under this sub-
18 section available on a public website.

19 “(v) To measure and track—

20 “(I) emissions of methane and
21 other gases associated with orphaned
22 wells; and

23 “(II) contamination of ground-
24 water or surface water associated with
25 orphaned wells.

1 “(vi) To remediate soil and restore
 2 native species habitat that has been de-
 3 graded due to the presence of orphaned
 4 wells and associated pipelines, facilities,
 5 and infrastructure.

6 “(vii) To remediate land adjacent to
 7 orphaned wells and decommission or re-
 8 move associated pipelines, facilities, and in-
 9 frastructure.

10 “(viii) To identify and address any
 11 disproportionate burden of adverse human
 12 health or environmental effects of or-
 13 phaned wells on communities of color, low-
 14 income communities, and Tribal and indig-
 15 enous communities.

16 “(ix) Subject to subparagraph (B), to
 17 administer a program to carry out any ac-
 18 tivities described in clauses (i) through
 19 (viii).

20 “(B) ADMINISTRATIVE COST LIMITA-
 21 TION.—

22 “(i) IN GENERAL.—Except as pro-
 23 vided in clause (ii), a State shall not use
 24 more than 10 percent of the funds received
 25 under this subsection during a fiscal year

1 for administrative costs under subpara-
 2 graph (A)(ix).

3 “(ii) EXCEPTION.—The limitation
 4 under clause (i) shall not apply to funds
 5 used by a State as described in paragraph
 6 (3)(A)(ii).

7 “(3) INITIAL GRANTS.—

8 “(A) IN GENERAL.—The Secretary shall
 9 distribute—

10 “(i) not more than \$25,000,000 to
 11 each State that submits to the Secretary,
 12 by not later than 180 days after the date
 13 of enactment of the Revive Economic
 14 Growth and Reclaim Orphaned Wells Act
 15 of 2021, a request for funding under this
 16 clause, including—

17 “(I) an estimate of the number
 18 of jobs that will be created or saved
 19 through the activities proposed to be
 20 funded; and

21 “(II) a certification that—

22 “(aa) the State is a Member
 23 State or Associate Member State
 24 of the Interstate Oil and Gas
 25 Compact Commission;

1 “(bb) there are 1 or more
2 documented orphaned wells lo-
3 cated in the State; and

4 “(cc) the State will use not
5 less than 90 percent of the fund-
6 ing requested under this sub-
7 section to issue new contracts,
8 amend existing contracts, or
9 issue grants for plugging, remedi-
10 ation, and reclamation work by
11 not later than 90 days after the
12 date of receipt of the funds; and

13 “(ii) not more than \$5,000,000 to
14 each State that—

15 “(I) requests funding under this
16 clause;

17 “(II) does not receive a grant
18 under clause (i); and

19 “(III) certifies to the Secretary
20 that—

21 “(aa) the State—

22 “(AA) has in effect a
23 plugging, remediation, and
24 reclamation program for or-
25 phaned wells; or

1 “(BB) the capacity to
2 initiate such a program; or

3 “(bb) the funds provided
4 under this paragraph will be used
5 to carry out any administrative
6 actions necessary to develop an
7 application for a formula grant
8 under paragraph (4) or a per-
9 formance grant under paragraph
10 (5).

11 “(B) DISTRIBUTION.—The Secretary shall
12 distribute funds to a State under this para-
13 graph by not later than the date that is 30 days
14 after the date on which the State submits to
15 the Secretary the certification required under
16 clause (i)(II) or (ii)(III) of subparagraph (A),
17 as applicable.

18 “(C) DEADLINE FOR EXPENDITURE.—A
19 State that receives funds under this paragraph
20 shall reimburse the Secretary in an amount
21 equal to the amount of the funds that remain
22 unobligated on the date that is 1 year after the
23 date of receipt of the funds.

24 “(D) REPORT.—Not later than 15 months
25 after the date on which a State receives funds

1 under this paragraph, the State shall submit to
 2 the Secretary a report that describes the means
 3 by which the State used the funds in accord-
 4 ance with the certification submitted by the
 5 State under subparagraph (A).

6 “(4) FORMULA GRANTS.—

7 “(A) ESTABLISHMENT.—

8 “(i) IN GENERAL.—The Secretary
 9 shall establish a formula for the distribu-
 10 tion to each State described in clause (ii)
 11 of funds under this paragraph.

12 “(ii) DESCRIPTION OF STATES.—A
 13 State referred to in clause (i) is a State
 14 that, by not later than 45 days after the
 15 date of enactment of the Revive Economic
 16 Growth and Reclaim Orphaned Wells Act
 17 of 2021, submits to the Secretary a notice
 18 of the intent of the State to submit an ap-
 19 plication under subparagraph (B), includ-
 20 ing a description of the factors described in
 21 clause (iii) with respect to the State.

22 “(iii) FACTORS.—The formula estab-
 23 lished under clause (i) shall account for,
 24 with respect to an applicant State, the fol-
 25 lowing factors:

1 “(I) Job losses in the oil and gas
2 industry in the State during the pe-
3 riod—

4 “(aa) beginning on March 1,
5 2020; and

6 “(bb) ending on the date of
7 enactment of the Revive Eco-
8 nomic Growth and Reclaim Or-
9 phaned Wells Act of 2021.

10 “(II) The number of documented
11 orphaned wells located in the State,
12 and the projected cost—

13 “(aa) to plug or reclaim
14 those orphaned wells;

15 “(bb) to reclaim adjacent
16 land; and

17 “(cc) to decommission or re-
18 move associated pipelines, facili-
19 ties, and infrastructure.

20 “(iv) PUBLICATION.—Not later than
21 75 days after the date of enactment of this
22 Act, the Secretary shall publish on a public
23 website the amount that each State is eli-
24 gible to receive under the formula under
25 this subparagraph.

1 “(B) APPLICATION.—To be eligible to re-
2 ceive a formula grant under this paragraph, a
3 State shall submit to the Secretary an applica-
4 tion that includes—

5 “(i) a description of—

6 “(I) the State program for or-
7 phaned well plugging, remediation,
8 and restoration, including legal au-
9 thorities, processes used to identify
10 and prioritize orphaned wells, procure-
11 ment mechanisms, and other program
12 elements demonstrating the readiness
13 of the State to carry out proposed ac-
14 tivities using the grant;

15 “(II) the activities to be carried
16 out with the grant, including an iden-
17 tification of the estimated health,
18 safety, habitat, and environmental
19 benefits of plugging, remediating, or
20 reclaiming orphaned wells; and

21 “(III) the means by which the in-
22 formation regarding the activities of
23 the State under this paragraph will be
24 made available on a public website;

25 “(ii) an estimate of—

1 “(I) the number of orphaned
2 wells in the State that will be plugged,
3 remediated, or reclaimed;

4 “(II) the projected cost of—

5 “(aa) plugging, remediating,
6 or reclaiming orphaned wells;

7 “(bb) remediating or re-
8 claiming adjacent land; and

9 “(cc) decommissioning or re-
10 moving associated pipelines, fa-
11 cilities, and infrastructure;

12 “(III) the amount of that pro-
13 jected cost that will be offset by the
14 forfeiture of financial assurance in-
15 struments, the estimated salvage of
16 well site equipment, or other proceeds
17 from the orphaned wells and adjacent
18 land;

19 “(IV) the number of jobs that
20 will be created or saved through the
21 activities to be funded under this
22 paragraph; and

23 “(V) the amount of funds to be
24 spent on administrative costs;

1 “(iii) a certification that any financial
2 assurance instruments available to cover
3 plugging, remediation, or reclamation costs
4 will be used by the State; and

5 “(iv) the definitions and processes
6 used by the State to formally identify a
7 well as—

8 “(I) an orphaned well; or

9 “(II) if the State uses different
10 terminology, otherwise eligible for
11 plugging, remediation, and reclama-
12 tion by the State.

13 “(C) DISTRIBUTION.—The Secretary shall
14 distribute funds to a State under this para-
15 graph by not later than the date that is 60 days
16 after the date on which the State submits to
17 the Secretary a completed application under
18 subparagraph (B).

19 “(D) DEADLINE FOR EXPENDITURE.—A
20 State that receives funds under this paragraph
21 shall reimburse the Secretary in an amount
22 equal to the amount of the funds that remain
23 unobligated on the date that is 5 years after the
24 date of receipt of the funds.

1 “(E) CONSULTATION.—In making a deter-
 2 mination under this paragraph regarding the
 3 eligibility of a State to receive a formula grant,
 4 the Secretary shall consult with—

5 “(i) the Administrator of the Environ-
 6 mental Protection Agency;

7 “(ii) the Secretary of Energy; and

8 “(iii) the Interstate Oil and Gas Com-
 9 pact Commission.

10 “(5) PERFORMANCE GRANTS.—

11 “(A) ESTABLISHMENT.—The Secretary
 12 shall provide to States, in accordance with this
 13 paragraph—

14 “(i) regulatory improvement grants
 15 under subparagraph (E); and

16 “(ii) matching grants under subpara-
 17 graph (F).

18 “(B) APPLICATION.—To be eligible to re-
 19 ceive a grant under this paragraph, a State
 20 shall submit to the Secretary an application in-
 21 cluding—

22 “(i) each element described in an ap-
 23 plication for a grant under paragraph
 24 (4)(B);

1 “(ii) activities carried out by the State
2 to address orphaned wells located in the
3 State, including—

4 “(I) increasing State spending on
5 well plugging, remediation, and rec-
6 lamation; or

7 “(II) improving regulation of oil
8 and gas wells; and

9 “(iii) the means by which the State
10 will use funds provided under this para-
11 graph—

12 “(I) to lower unemployment in
13 the State; and

14 “(II) to improve economic condi-
15 tions in economically distressed areas
16 of the State.

17 “(C) DISTRIBUTION.—The Secretary shall
18 distribute funds to a State under this para-
19 graph by not later than the date that is 60 days
20 after the date on which the State submits to
21 the Secretary a completed application under
22 subparagraph (B).

23 “(D) CONSULTATION.—In making a deter-
24 mination under this paragraph regarding the
25 eligibility of a State to receive a grant under

subparagraph (E) or (F), the Secretary shall consult with—

“(i) the Administrator of the Environmental Protection Agency;

“(ii) the Secretary of Energy; and

“(iii) the Interstate Oil and Gas Compact Commission.

“(E) REGULATORY IMPROVEMENT GRANTS.—

“(i) IN GENERAL.—Beginning on the date that is 180 days after the date on which an initial grant is provided to a State under paragraph (3), the Secretary shall provide to the State a regulatory improvement grant under this subparagraph, if the State meets, during the 10-year period ending on the date on which the State submits to the Secretary an application under subparagraph (B), 1 of the following criteria:

“(I) The State has strengthened plugging standards and procedures designed to ensure that wells located in the State are plugged in an effective manner that protects ground-

1 water and other natural resources,
2 public health and safety, and the envi-
3 ronment.

4 “(II) The State has made im-
5 provements to State programs de-
6 signed to reduce future orphaned well
7 burdens, such as financial assurance
8 reform, alternative funding mecha-
9 nisms for orphaned well programs,
10 and reforms to programs relating to
11 well transfer or temporary abandon-
12 ment.

13 “(ii) LIMITATIONS.—

14 “(I) NUMBER.—The Secretary
15 may issue to a State under this sub-
16 paragraph not more than 1 grant for
17 each criterion described in subclause
18 (I) or (II) of clause (i).

19 “(II) MAXIMUM AMOUNT.—The
20 amount of a single grant provided to
21 a State under this subparagraph shall
22 be not more than \$20,000,000.

23 “(iii) REIMBURSEMENT FOR FAILURE
24 TO MAINTAIN PROTECTIONS.—A State that
25 receives a grant under this subparagraph

1 shall reimburse the Secretary in an
2 amount equal to the amount of the grant
3 in any case in which, during the 10-year
4 period beginning on the date of receipt of
5 the grant, the State enacts a law or regula-
6 tion that, if in effect on the date of sub-
7 mission of the application under subpara-
8 graph (B), would have prevented the State
9 from being eligible to receive the grant
10 under clause (i).

11 “(F) MATCHING GRANTS.—

12 “(i) IN GENERAL.—Beginning on the
13 date that is 180 days after the date on
14 which an initial grant is provided to a
15 State under paragraph (3), the Secretary
16 shall provide to the State funding, in an
17 amount equal to the difference between—

18 “(I) the average annual amount
19 expended by the State during the pe-
20 riod of fiscal years 2010 through
21 2019—

22 “(aa) to plug, remediate,
23 and reclaim orphaned wells; and

1 “(bb) to decommission or re-
 2 move associated pipelines, facili-
 3 ties, or infrastructure; and

4 “(II) the amount that the State
 5 certifies to the Secretary the State
 6 will expend, during the fiscal year in
 7 which the State will receive the grant
 8 under this subparagraph—

9 “(aa) to plug, remediate,
 10 and reclaim orphaned wells;

11 “(bb) to remediate or re-
 12 claim adjacent land; and

13 “(cc) to decommission or re-
 14 move associated pipelines, facili-
 15 ties, and infrastructure.

16 “(ii) LIMITATIONS.—

17 “(I) FISCAL YEAR.—The Sec-
 18 retary may issue to a State under this
 19 subparagraph not more than 1 grant
 20 for each fiscal year.

21 “(II) TOTAL FUNDS PRO-
 22 VIDED.—The Secretary may provide
 23 to a State under this subparagraph a
 24 total amount equal to not more than

1 \$30,000,000 during the period of fis-
2 cal years 2021 through 2030.

3 “(d) TRIBAL ORPHANED WELL SITE PLUGGING, RE-
4 MEDIATION, AND RESTORATION.—

5 “(1) ESTABLISHMENT.—The Secretary shall es-
6 tablish in the Bureau of Indian Affairs a program
7 under which the Secretary shall provide to Indian
8 Tribes grants in accordance with this subsection.

9 “(2) ELIGIBLE ACTIVITIES.—

10 “(A) IN GENERAL.—An Indian Tribe may
11 use a grant received under this subsection—

12 “(i) to plug, remediate, or reclaim an
13 orphaned well on Tribal land of the Indian
14 Tribe;

15 “(ii) to remediate soil and restore na-
16 tive species habitat that has been degraded
17 due to the presence of an orphaned well or
18 associated pipelines, facilities, or infra-
19 structure on Tribal land;

20 “(iii) to remediate Tribal land adja-
21 cent to orphaned wells and decommission
22 or remove associated pipelines, facilities,
23 and infrastructure;

24 “(iv) to provide an online public ac-
25 counting of the cost of plugging, remedi-

1 ation, and reclamation for each orphaned
2 well site on Tribal land;

3 “(v) to identify and characterize un-
4 documented orphaned wells on Tribal land;
5 and

6 “(vi) to develop or administer a Tribal
7 program to carry out any activities de-
8 scribed in clauses (i) through (v).

9 “(B) ADMINISTRATIVE COST LIMITA-
10 TION.—

11 “(i) IN GENERAL.—Except as pro-
12 vided in clause (ii), an Indian Tribe shall
13 not use more than 10 percent of the funds
14 received under this subsection during a fis-
15 cal year for administrative costs under
16 subparagraph (A)(vi).

17 “(ii) EXCEPTION.—The limitation
18 under clause (i) shall not apply to any
19 funds used to carry out an administrative
20 action necessary for the development of a
21 Tribal program described in subparagraph
22 (A)(vi).

23 “(3) FACTORS FOR CONSIDERATION.—In deter-
24 mining whether to provide to an Indian Tribe a

1 grant under this subsection, the Secretary shall take
2 into consideration—

3 “(A) the unemployment rate of the Indian
4 Tribe on the date on which the Indian Tribe
5 submits an application under paragraph (4);
6 and

7 “(B) the estimated number of orphaned
8 wells on the Tribal land of the Indian Tribe.

9 “(4) APPLICATION.—To be eligible to receive a
10 grant under this subsection, an Indian Tribe shall
11 submit to the Secretary an application that in-
12 cludes—

13 “(A) a description of—

14 “(i) the Tribal program for orphaned
15 well plugging, remediation, and restora-
16 tion, including legal authorities, processes
17 used to identify and prioritize orphaned
18 wells, procurement mechanisms, and other
19 program elements demonstrating the readi-
20 ness of the Indian Tribe to carry out the
21 proposed activities, or plans to develop
22 such a program; and

23 “(ii) the activities to be carried out
24 with the grant, including an identification
25 of the estimated health, safety, habitat,

1 and environmental benefits of plugging, re-
2 mediating, or reclaiming orphaned wells
3 and remediating or reclaiming adjacent
4 land; and

5 “(B) an estimate of—

6 “(i) the number of orphaned wells
7 that will be plugged, remediated, or re-
8 claimed; and

9 “(ii) the projected cost of—

10 “(I) plugging, remediating, or re-
11 claiming orphaned wells;

12 “(II) remediating or reclaiming
13 adjacent land; and

14 “(III) decommissioning or remov-
15 ing associated pipelines, facilities, and
16 infrastructure.

17 “(5) DISTRIBUTION.—The Secretary shall dis-
18 tribute funds to an Indian Tribe under this sub-
19 section by not later than the date that is 60 days
20 after the date on which the Indian Tribe submits to
21 the Secretary a completed application under para-
22 graph (4).

23 “(6) DEADLINE FOR EXPENDITURE.—An In-
24 dian Tribe that receives funds under this subsection
25 shall reimburse the Secretary in an amount equal to

1 the amount of the funds that remain unobligated on
2 the date that is 5 years after the date of receipt of
3 the funds.

4 “(7) DELEGATION TO SECRETARY.—

5 “(A) IN GENERAL.—An Indian Tribe on
6 the Tribal land of which is located an orphaned
7 well may submit to the Secretary a request for
8 the Secretary to administer and carry out plug-
9 ging, remediation, and reclamation activities re-
10 lating to the orphaned well on behalf of the In-
11 dian Tribe.

12 “(B) TREATMENT.—For the purposes of
13 subsection (b), an orphaned well with respect to
14 which an Indian Tribe of jurisdiction has sub-
15 mitted to the Secretary a request under sub-
16 paragraph (A) shall be considered to be located
17 on Federal land administered by a land man-
18 agement agency within the Department of the
19 Interior.

20 “(e) TECHNICAL ASSISTANCE.—The Secretary of
21 Energy, in cooperation with the Secretary and the Inter-
22 state Oil and Gas Compact Commission, shall provide
23 technical assistance to the Federal land management
24 agencies and oil and gas producing States and Indian
25 Tribes to support practical and economical remedies for

1 environmental problems caused by orphaned wells on Fed-
 2 eral land, Tribal land, and State and private land, includ-
 3 ing the sharing of best practices in the management of
 4 oil and gas well inventories to ensure the availability of
 5 funds to plug, remediate, and restore oil and gas well sites
 6 on cessation of operation.

7 “(f) REPORT TO CONGRESS.—Not later than 1 year
 8 after the date of enactment of the Revive Economic
 9 Growth and Reclaim Orphaned Wells Act of 2021, and
 10 not less frequently than annually thereafter, the Secretary
 11 shall submit to the Committees on Appropriations and En-
 12 ergy and Natural Resources of the Senate and the Com-
 13 mittees on Appropriations and Natural Resources of the
 14 House of Representatives a report describing the program
 15 established and grants awarded under this section, includ-
 16 ing—

17 “(1) an updated inventory of wells located on
 18 Federal land, Tribal land, and State and private
 19 land that are—

20 “(A) orphaned wells; or

21 “(B) at risk of becoming orphaned wells;

22 “(2) an estimate of the quantities of—

23 “(A) methane and other gasses emitted
 24 from orphaned wells; and

1 “(B) emissions reduced as a result of plug-
 2 ging, remediating, and reclaiming orphaned
 3 wells;

4 “(3) the number of jobs created and saved
 5 through the plugging, remediation, and reclamation
 6 of orphaned wells; and

7 “(4) the acreage of habitat restored using
 8 grants awarded to plug, remediate, and reclaim or-
 9 phaned wells and to remediate or reclaim adjacent
 10 land, together with a description of the purposes for
 11 which that land is likely to be used in the future.

12 “(g) EFFECT OF SECTION.—

13 “(1) NO EXPANSION OF LIABILITY.—Nothing in
 14 this section establishes or expands the responsibility
 15 or liability of any entity with respect to—

16 “(A) plugging any well; or

17 “(B) remediating or reclaiming any well
 18 site.

19 “(2) TRIBAL LAND.—Nothing in this section—

20 “(A) relieves the Secretary of any obliga-
 21 tion under section 3 of the Act of May 11, 1938
 22 (25 U.S.C. 396c; 52 Stat. 348, chapter 198), to
 23 plug, remediate, or reclaim an orphaned well lo-
 24 cated on Tribal land; or

“(B) absolves the United States from a responsibility to plug, remediate, or reclaim an orphaned well located on Tribal land or any other responsibility to an Indian Tribe, including any responsibility that derives from—

“(i) the trust relationship between the United States and Indian Tribes;

“(ii) any treaty, law, or Executive order; or

“(iii) any agreement between the United States and an Indian Tribe.

“(3) OWNER OR OPERATOR NOT ABSOLVED.—

Nothing in this section absolves the owner or operator of an oil or gas well of any potential liability for—

“(A) reimbursement of any plugging or reclamation costs associated with the well; or

“(B) any adverse effect of the well on the environment.

“(h) FUNDING.—

“(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer the following amounts, to remain available until September 30, 2030:

“(A) To the Secretary—

1 “(i) \$250,000,000 to carry out the
2 program under subsection (b);

3 “(ii) \$775,000,000 to provide grants
4 under subsection (c)(3);

5 “(iii) \$2,000,000,000 to provide
6 grants under subsection (c)(4);

7 “(iv) \$1,500,000,000 to provide
8 grants under subsection (c)(5); and

9 “(v) \$150,000,000 to carry out the
10 program under subsection (d).

11 “(B) To the Secretary of Energy,
12 \$30,000,000 to conduct research and develop-
13 ment activities in cooperation with the Inter-
14 state Oil and Gas Compact Commission to as-
15 sist the Federal land management agencies,
16 States, and Indian Tribes in—

17 “(i) identifying and characterizing un-
18 documented orphaned wells; and

19 “(ii) mitigating the environmental
20 risks of undocumented orphaned wells.

21 “(C) To the Interstate Oil and Gas Com-
22 pact Commission, \$2,000,000 to carry out this
23 section.

24 “(2) RECEIPT AND ACCEPTANCE.—The Sec-
25 retary, the Secretary of Energy, and the Interstate

1 Oil and Gas Compact Commission shall be entitled
2 to receive, shall accept, and shall use to carry out
3 this section the funds transferred under subpara-
4 graphs (A), (B), and (C), respectively, of paragraph
5 (1), without further appropriation.”.

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