

ORPHANED WELL CLEANUP AND JOBS ACT OF 2021

DECEMBER 15, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2415]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2415) to amend the Energy Policy Act of 2005 to require the Secretary of the Interior to establish a program to permanently plug, remediate, and reclaim orphaned wells and the surrounding lands and to provide funds to States and Tribal Governments to permanently plug, remediate, and reclaim orphaned wells and the surrounding lands, 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 “Orphaned Well Cleanup and Jobs Act of 2021”.

SEC. 2. ORPHANED WELL SITE PLUGGING, REMEDIATION, AND RESTORATION.

(a) **IN GENERAL.**—Section 349 of the Energy Policy Act of 2005 (Public Law 109–58; 42 U.S.C. 15907) is amended to read as follows:

“SEC. 349. ORPHANED WELL SITE PLUGGING, REMEDIATION, AND RESTORATION.

“(a) **FEDERAL PROGRAM.**—

“(1) **ESTABLISHMENT.**—The Secretary, in cooperation with the Secretary of Agriculture and affected Indian Tribes, shall establish a program not later than 180 days after the date of enactment of this section to permanently plug orphaned wells and remediate and reclaim orphaned wells located on land administered by the land management agencies within the Department of the Interior and the Department of Agriculture.

“(2) ACTIVITIES.—The program under paragraph (1) shall—

“(A) include a means of identifying, characterizing, and inventorying orphaned wells on Federal lands and ranking orphaned wells for priority in permanent plugging, remediation, and reclamation, based on public health and safety, potential environmental harm, and other land use priorities;

“(B) distribute funding according to the priorities identified under subparagraph (A) for—

“(i) permanently plugging orphaned wells;

“(ii) remediating and reclaiming well pads and access roads associated with orphaned wells;

“(iii) remediating soil and restoring native species habitat that has been degraded due to the presence of orphaned wells; and

“(iv) remediating lands, including access roads, adjacent to orphaned wells and decommissioning or removing pipelines, facilities, and infrastructure associated with the orphaned well;

“(C) provide a public accounting of the costs of permanently plugging, remediating, and reclaiming each orphaned well;

“(D) seek to determine the identities of potentially responsible parties associated with the orphaned well, or their sureties or guarantors, to the extent such information can be ascertained, and make efforts to obtain reimbursement for expenditures to the extent practicable;

“(E) to the maximum extent possible, support research and development efforts aimed at investigating, measuring, and tracking emissions of methane and other gases associated with orphaned wells;

“(F) measure and track contamination of groundwater or surface water associated with orphaned wells; and

“(G) reduce the negative effects of orphaned wells on environmental justice communities.

“(3) DEFINE ORPHANED WELL.—Not later than 180 days after the date of enactment of this section, the Secretary shall issue a final rule defining the term ‘orphaned well’ as such term applies to Federal and Tribal land for the purposes of this section.

“(4) IDLED WELLS.—

“(A) IN GENERAL.—The Secretary, acting through the Director of the Bureau of Land Management, shall annually review all idled wells on Federal lands and take such measures as such Director determines appropriate to reduce such Director’s idled well inventory.

“(B) DEFINITION OF IDLED WELL.—Not later than 6 months after the date of enactment of this section, the Secretary, acting through the Director of the Bureau of Land Management, shall establish a definition for the term ‘idled well’ for the purposes of this section.

“(5) COOPERATION AND CONSULTATIONS.—In carrying out the program under paragraph (1), the Secretary shall—

“(A) work cooperatively with the Secretary of Agriculture and the States within which Federal land is located; and

“(B) consult with affected Indian Tribes, the Secretary of Energy, and the Interstate Oil and Gas Compact Commission.

“(b) STATE ORPHANED WELL SITE PLUGGING, REMEDIATION, AND RESTORATION.—

“(1) IN GENERAL.—

“(A) ACTIVITIES.—The Secretary shall provide funding to States as described in this section for any of the following purposes:

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

“(ii) To identify and characterize undocumented orphaned wells on State and private lands.

“(iii) To rank orphaned wells on State and private lands based on factors including public health and safety, potential environmental harm, and other land use priorities.

“(iv) To make information regarding the use of funds received under this subsection available on a public website.

“(v) To measure and track emissions of methane and other gases associated with orphaned wells.

“(vi) To measure and track contamination of groundwater or surface water associated with orphaned wells.

“(vii) To remediate soil and restore native species habitat that have been degraded due to the presence of orphaned wells.

“(viii) To remediate lands, including access roads, adjacent to orphaned wells and decommission or remove pipelines, facilities, and infrastructure associated with the orphaned well.

“(ix) To take such measures as such State determines necessary to reduce the negative effects of orphaned wells on environmental justice communities.

“(x) To administer a program to carry out activities described in clauses (i) through (ix).

“(B) LIMITATION.—Except for funds received by a State under paragraph (2)(A)(ii), a State may not use more than 10 percent of the funds received under this section in any fiscal year for the purpose described in paragraph (1)(A)(x).

“(2) INITIAL GRANTS.—

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

“(i) not more than \$25,000,000 to each State that—

“(I) is a Member State or Associate Member State of the Interstate Oil and Gas Compact Commission;

“(II) requests funding under this clause not later than 6 months after the date of enactment of this section;

“(III) has at least one documented orphaned well;

“(IV) certifies to the Secretary that such State can use at least 90 percent of the requested funding to issue new contracts, amend existing contracts, or issue grants for permanent plugging, remediation, and reclamation work within 180 days of receipt of funds; and

“(V) describes to the Secretary how funds received under this clause will employ individuals who have lost employment during the period beginning on March 1, 2020, and ending on the date on which such State requests funding under subclause (II); and

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

“(I) requests funding under this clause;

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

“(III) certifies to the Secretary that—

“(aa) such State has a permanent plugging, remediation, and reclamation program for orphaned wells or the capacity to start such a program; or

“(bb) such funds will be used to conduct the administrative work necessary to put together an application to receive funds under paragraph (3).

“(B) DISTRIBUTION.—The Secretary shall disburse funds to a State under this subparagraph not later than 30 days after such State makes a certification to the Secretary that such State is eligible to receive such funds.

“(C) 2 YEARS TO EXPEND FUNDS.—

“(i) IN GENERAL.—A State that receives funds under this paragraph shall reimburse the Secretary in an amount equal to the amount of any unobligated funds that remain 2 years after the date on which such State receives funds under this paragraph.

“(ii) USE OF REIMBURSED FUNDS.—The Secretary may use funds reimbursed under this subparagraph to carry out any activity under subsection (a)(2).

“(D) REPORT.—

“(i) IN GENERAL.—Not later than 15 months after the date on which a State receives funds under this paragraph, such State shall submit a report to the Secretary detailing how the State adhered to the certifications required by subparagraph (A).

“(ii) PUBLIC ACCESS.—The Secretary shall make available on a publicly accessible website each report submitted under clause (i).

“(3) FORMULA GRANTS.—

“(A) FORMULA.—

“(i) IN GENERAL.—The Secretary shall establish a formula for the distribution of funds under this paragraph to the States described in clause (ii). Such formula, with respect to an applicant State, shall account for the following factors:

“(I) The job losses in the oil and gas industry between March 1, 2020, and the date of enactment of this section.

“(II) The number of documented orphaned wells and associated facilities and the projected cost to permanently plug and reclaim such wells.

“(ii) NOTIFICATION.—A State is described in this clause if, not later than 45 days after the date of enactment of this section, such State submits a notice to the Secretary that such State intends to submit an application under subparagraph (B) and includes in such notification

the information described in subclauses (I) through (II) of clause (i) with respect to such State.

“(iii) PUBLICATION.—The Secretary shall, not later than 30 days after the date described in clause (ii), publish on a public website the amount that each State described in clause (ii) is eligible to receive under the formula established under clause (i).

“(B) APPLICATION.—A State may apply to receive funds under this paragraph by submitting an application including—

“(i) a description of—

“(I) the State program for orphaned well permanent plugging, remediation, and restoration, including legal authorities, processes used to identify and prioritize orphaned wells, procurement mechanisms, and other program elements demonstrating the readiness of the State program to carry out the proposed activities;

“(II) the activities to be carried out with the grant, including an identification of the estimated health, safety, habitat, and environmental benefits of permanent plugging, remediating, or reclaiming the orphaned wells; and

“(III) how the information regarding the State’s activities under this subsection will be made available on a public website;

“(ii) an estimate of—

“(I) the number of orphaned wells that will be permanently plugged, remediated, or reclaimed;

“(II) the projected cost of permanently plugging, remediating, or reclaiming orphaned wells, adjacent lands, and access roads;

“(III) the amount of that cost that will be offset by the forfeiture of financial assurance instruments, the estimated salvage of well-site equipment, or other proceeds from the orphaned wells and adjacent lands;

“(IV) the number of jobs that will be created or saved through the activities to be funded under this subsection; and

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

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

“(iv) the definitions and processes used by the State to formally declare a well orphaned or, if the State uses different terminology, otherwise eligible for permanent plugging, remediation, and reclamation by the State, including the steps the State has taken to identify the well’s most recent operator.

“(C) REVIEW OF STATE DEFINITIONS AND PROCESSES.—The Secretary may only distribute funds to a State under this paragraph if the Secretary determines that—

“(i) such State has taken appropriate steps to protect taxpayers from unnecessarily paying for permanent plugging, remediation, and reclamation costs;

“(ii) the processes of such State for declaring a well eligible for permanent plugging by the State are reasonable; and

“(iii) the definition provided by the State for the term ‘orphaned well’ (or an alternate term, if applicable), if such term differs from the definition given such term in subsection (i)(5)(A)(ii), is reasonable.

“(D) 5 YEARS TO EXPEND FUNDS.—A State that receives funds under this paragraph shall reimburse the Secretary in an amount equal to the amount of any unobligated funds that remain 5 years after the date on which such State receives funds under this paragraph.

“(E) CONSULTATION.—In making a determination under this paragraph regarding the eligibility of a State to receive funds, the Secretary shall consult with the Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Interstate Oil and Gas Compact Commission.

“(F) CONSIDERATION TIMELINE.—Not later than 60 days after receiving a completed application that meets the requirements of this section from a State under this paragraph, the Secretary shall issue a grant to such State.

“(4) DISCRETIONARY GRANTS.—

“(A) IN GENERAL.—

“(i) REGULATORY IMPROVEMENT GRANT.—

“(I) IN GENERAL.—Beginning on the date that is 6 months after the date on which the first grant is issued under paragraph (2), the Secretary may provide funding in an amount not to exceed

\$20,000,000 per grant to a State if the State meets one of the following criteria:

“(aa) The State—

“(AA) requires, or will require by the date that is not later than five years after the date of enactment of the Orphaned Well Cleanup and Jobs Act of 2021, the operator of each well subject to regulation by the State to capture (which such term means the physical containment of gas for transportation to market or productive use, including reinjection and other on-site uses) at least 98 percent of all gas produced each year from each such well; and

“(BB) prohibits, or will prohibit by the date that is not later than five years after the date of enactment of the Orphaned Well Cleanup and Jobs Act of 2021, venting and flaring of gas produced from each such well, except in the case of emergencies or equipment failures as defined under the applicable law of such State.

“(bb) During the period of 10 years that precedes the date on which the State applies for a grant under this paragraph, the State strengthened its plugging standards and procedures to ensure that wells located in the State are plugged in an effective manner that protects groundwater and other natural resources, public health and safety, and the environment.

“(cc) The State has made improvements to State programs designed to prevent future orphaned well burdens, such as bonding reform or other financial assurance reform, alternative funding mechanisms for orphaned well programs, and reforms to well transfer and temporary abandonment programs in the 10 years preceding the date that the States applies for a grant under this paragraph.

“(II) LIMITATION.—The Secretary may only issue one grant per criterion per State under this clause.

“(ii) MATCHING GRANT.—

“(I) IN GENERAL.—Beginning on the date that is 6 months after the date on which the first grant is issued under paragraph (2), the Secretary may provide funding to a State in an amount equal to the difference between—

“(aa) the amount of funds such State expended on average in fiscal years 2010 through 2019 to permanently plug, remediate, and reclaim orphaned wells and associated facilities; and

“(bb) the amount of funds such State certifies to the Secretary such State will expend for such purposes in the fiscal year in which such State will receive such grant.

“(II) ANNUAL GRANT.—The Secretary may issue one grant per State per fiscal year under this clause.

“(III) LIMITATION ON TOTAL FUNDS PROVIDED TO A STATE.—The Secretary may not provide a total of more than \$30,000,000 to a State under this clause during the period of fiscal years 2021 through 2031.

“(B) APPLICATION.—

“(i) IN GENERAL.—A State may apply to receive funds under this paragraph by submitting an application including—

“(I) each of the elements required in an application under paragraph (3)(B);

“(II) a description of measures such State has taken to address orphaned wells, including by increasing State spending on well permanent plugging, remediation, and reclamation and by improving regulation of oil and gas wells; and

“(III) a description of how such State will use such funds to—

“(aa) lower unemployment in such State; and

“(bb) improve economic conditions in economically distressed areas of such State.

“(ii) CONSULTATION.—In making a determination to issue a grant under this paragraph, the Secretary shall consult with the Administrator of the Environmental Protection Agency and the Secretary of Energy.

“(iii) REIMBURSEMENT FOR FAILURE TO MAINTAIN PROTECTIONS.—A State that receives funds under this paragraph shall reimburse the Secretary any funds received if, during the 10 year period beginning on

the date of receipt of funds under this paragraph, such State enacts a statute or regulation that, if such statute or regulation were in effect when the State submitted an application under this paragraph, would have prevented such State from being eligible to receive funds under subparagraph (A)(i)(I).

“(iv) CONSIDERATION TIMELINE.—Not later than 60 days after receiving an application from an eligible State under this paragraph, the Secretary shall make a grant or reject such application.

“(5) STATE REPORT.—

“(A) IN GENERAL.—Each State that receives funding under this subsection shall submit a report to the Secretary each year that provides—

“(i) the number of orphaned wells that have been permanently plugged, remediated, or reclaimed;

“(ii) the cost of permanently plugging, remediating, or reclaiming orphaned wells, adjacent lands, and access roads;

“(iii) the amount of that cost offset by the forfeiture of financial assurance instruments, the salvage of well-site equipment, or other proceeds from the orphaned wells;

“(iv) an estimate of the number of jobs created or saved through the activities funded under this subsection;

“(v) the funds spent on administrative costs;

“(vi) a description of how the State is working to decrease the effects of orphaned wells on environmental justice communities; and

“(vii) survey results from State efforts to identify undocumented orphaned wells.

“(B) PUBLIC ACCESS.—The Secretary shall make available on a publicly accessible website each report submitted under subparagraph (A).

“(c) TRIBAL ORPHANED WELL SITE PLUGGING, REMEDIATION, AND RESTORATION.—

“(1) ESTABLISHMENT.—The Secretary shall establish a program in the Bureau of Indian Affairs to provide grants to Indian Tribes for the purposes described in paragraph (2).

“(2) ACTIVITIES.—The purposes described in this paragraph are to—

“(A) permanently plug, remediate, and reclaim orphaned wells on Tribal land;

“(B) remediate soil and restore native species habitat that has been degraded due to the presence of orphaned wells on Tribal land;

“(C) remediate lands, including access roads, adjacent to orphaned wells and decommission or remove pipelines, facilities, and infrastructure associated with the orphaned well on Tribal lands;

“(D) provide an online public accounting of the cost of permanent plugging, remediation, and reclamation for each orphaned well site on Tribal land, excluding confidential or sensitive Tribal trust or business information (as determined by the Secretary);

“(E) identify and characterize undocumented orphaned wells on Tribal land; and

“(F) administer a Tribal program to carry out activities described in subparagraphs (A) through (E).

“(3) CONSIDERATIONS.—In making a determination to issue a grant under this subsection, the Secretary shall take into account the number of documented orphaned wells on the land of the Indian Tribe and the projected cost to permanently plug and reclaim such wells.

“(4) APPLICATION.—An Indian Tribe may apply to receive funds under this paragraph by submitting an application that includes—

“(A) a description of—

“(i) the Tribal program for orphaned well permanent plugging, remediation, and restoration, including legal authorities, processes used to identify and prioritize orphaned wells, procurement mechanisms, and other program elements demonstrating the readiness of the Tribal program to carry out the proposed activities; and

“(ii) the activities to be carried out with the grant, including an identification of the estimated health, safety, and habitat, and environmental benefits of permanently plugging, remediating, or reclaiming the orphaned wells, adjacent lands, and access roads; and

“(B) an estimate of—

“(i) the number of orphaned wells that will be permanently plugged, remediated, or reclaimed; and

“(ii) the projected costs of permanently plugging, remediating, or reclaiming the orphaned wells and any adjacent lands or access roads.

“(5) LIMITATION.—An Indian Tribe may not use more than 15 percent of the funds received under this subsection in a fiscal year for the purposes described in paragraph (2)(F).

“(6) CONSIDERATION TIMELINE.—The Secretary shall issue or deny a grant under this subsection not later than 60 days after the date of receipt of the complete application under paragraph (4).

“(7) 8 YEARS TO EXPEND FUNDS.—An Indian Tribe that receives funds under this subsection shall reimburse the Secretary in an amount equal to the amount of any unobligated funds that remain 8 years after the date on which such Indian Tribe receives funds under this subsection.

“(8) DEFERRAL OF PLUGGING AND REMEDIATION.—An Indian Tribe with an orphaned well within such Indian Tribe’s jurisdiction may request that the Secretary administer and carry out permanent plugging, remediation, and reclamation work with respect to such orphaned well. For the purposes of subsection (a), any orphaned well with respect to which the Indian Tribe with jurisdiction has made such a request shall be treated as if such orphaned well is on land administered by a land management agency within the Department of the Interior.

“(d) TECHNICAL ASSISTANCE.—The Secretary of Energy, in cooperation with the Secretary and the Interstate Oil and Gas Compact Commission, shall provide technical assistance to Federal land management agencies and oil and gas producing States and Indian Tribes to ensure practical and economical remedies are used to address environmental problems caused by orphaned wells on Federal, State, Tribal, or private land, including the sharing of best practices in the management of oil and gas well inventories to ensure the availability of funds to permanently plug, remediate, and restore oil and gas well sites when operations cease.

“(e) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this section, and every year thereafter, the Secretary shall submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and to the Committees on Appropriations and Natural Resources of the House of Representatives a report on the program established and grants awarded under this section, including—

“(1) an updated inventory of—

“(A) orphaned wells on Federal, Tribal, State, and private land; and

“(B) wells at-risk of becoming orphaned on Federal, Tribal, State, and private land;

“(2) to the maximum extent practical, an estimate of—

“(A) the amount of methane and other gasses emitted from orphaned wells; and

“(B) the amount of emissions reduced as a result of permanently plugging and reclaiming orphaned wells;

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

“(4) the acreage of habitat restored using grants awarded to permanently plug, remediate, and reclaim orphaned wells and adjacent lands, including access roads, and a description of how such land is likely to be used in the future.

“(f) IDLED WELL FEES.—

“(1) IN GENERAL.—The Secretary shall, not later than 180 days after the date of enactment of this section, issue regulations to require each operator of an idled well on Federal land to pay an annual, nonrefundable fee for each such idled well in accordance with this subsection.

“(2) AMOUNTS.—Except as provided in paragraph (5), the amount of the fee shall be as follows:

“(A) \$500 for each well that has been considered an idled well for at least 1 year, but not more than 5 years.

“(B) \$1,500 for each well that has been considered an idled well for at least 5 years, but not more than 10 years.

“(C) \$3,500 for each well that has been considered an idled well for at least 10 years, but not more than 15 years.

“(D) \$7,500 for each well that has been considered an idled well for at least 15 years.

“(3) DUE DATE.—An owner of an idled well that is required to pay a fee under this subsection shall submit to the Secretary such fee by not later than May 1 of each year.

“(4) CIVIL PENALTY.—If the operator of a idled well fails to pay the full amount of a fee under this subsection, the Secretary may assess a civil penalty against the operator under section 109 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1719) as if such failure to pay were a violation under such section.

“(5) ADJUSTMENT FOR INFLATION.—The Secretary shall, by regulation not less than once every 4 years, adjust each fee under this subsection to account for inflation based on the Consumer Price Index for All Urban Consumers (as published by the Bureau of Labor Statistics of the Department of Labor).

“(6) USE OF FEES.—The Secretary, acting through the Director of the Bureau of Land Management, shall use any fees collected under this subsection for the following purposes:

“(A) 50 percent of such amounts shall be used for—

- “(i) inventorying and tracking orphaned wells on Federal lands;
- “(ii) permanently plugging orphaned wells on Federal lands;
- “(iii) remediating and reclaiming well pads and access roads associated with orphaned wells on Federal lands;
- “(iv) remediating soil and restoring native species habitat that have been degraded due to the presence of orphaned wells on Federal land;
- and
- “(v) remediating lands, including access roads, adjacent to orphaned wells and decommissioning or removing pipelines, facilities, and infrastructure associated with orphaned wells.

“(B) 50 percent of such amounts shall be used to carry out part 3163 of title 43, Code of Federal Regulations (or any successor regulation).

“(g) SAVINGS CLAUSES AND PREVAILING WAGE REQUIREMENTS.—

“(1) NO EXPANSION OF LIABILITY.—Nothing in this section establishes or expands the responsibility or liability of any entity with respect to permanently plugging a well or remediating or reclaiming a well site.

“(2) PREVAILING WAGE.—Any entity carrying out a project authorized by this section shall be required to pay prevailing wages in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the Davis-Bacon Act).

“(3) TRIBAL LAND.—Nothing in this section may be construed to relieve the Secretary of any obligation imposed by section 3 of the Act of May 11, 1938 (25 U.S.C. 396c), or to absolve the United States from any responsibility to an Indian Tribe, including those which derive from the trust relationship or from any treaties, statutes, Executive orders, or agreements between the United States and an Indian Tribe, to permanently plug, remediate, or reclaim orphaned wells located on Tribal lands.

“(4) OWNER OR OPERATOR NOT ABSOLVED.—Nothing in this section may be construed to absolve the owner or operator of an oil or gas well of potential liability for reimbursement of permanent plugging and reclamation costs or adverse effects on the environment.

“(h) AMERICAN IRON, STEEL, AND MANUFACTURED PRODUCTS.—

“(1) DEFINITIONS.—In this subsection:

“(A) IRON OR STEEL MANUFACTURED PRODUCT.—The term ‘iron or steel manufactured product’ includes any construction material or end product (as those terms are defined in subpart 25.003 of the Federal Acquisition Regulation) that does not otherwise qualify as an iron or steel product, including—

- “(i) an electrical component;
- “(ii) a non-ferrous building material, including—
 - “(I) aluminum and polyvinylchloride;
 - “(II) glass;
 - “(III) fiber optics;
 - “(IV) plastic;
 - “(V) wood;
 - “(VI) masonry;
 - “(VII) rubber;
 - “(VIII) manufactured stone; and
 - “(IX) any other non-ferrous metals; and
- “(iii) an unmanufactured construction material.

“(B) PRODUCED IN THE UNITED STATES.—

“(i) IN GENERAL.—The term ‘produced in the United States’—

“(I) with respect to an iron or steel product or an iron or steel manufactured product, means that all manufacturing processes for, and materials and components of, the iron or steel product or iron or steel manufactured product, from the initial melting stage through the application of coatings, occurred in the United States; and

“(II) with respect to an iron or steel manufactured product, means that—

“(aa) the iron or steel manufactured product was manufactured in the United States; and

“(bb) the cost of the components of the iron or steel manufactured product that were mined, produced, or manufactured in the United States is greater than 60 percent of the total cost of the components of the iron or steel manufactured product.

“(ii) EXCLUSIONS.—The term ‘produced in the United States’, with respect to an iron or steel product or iron or steel manufactured product, does not include an iron or steel product or an iron or steel manufactured product the materials and components of which were manufactured—

“(I) abroad from semi-finished steel or iron from the United States; or

“(II) in the United States from semi-finished steel or iron of foreign origin.

“(2) REQUIREMENT.—Funds made available under this section may not be used for an orphaned well plugging or remediation project unless all of the iron and steel products and steel manufactured products used in the project are produced in the United States.

“(3) WAIVER.—

“(A) IN GENERAL.—On request of the recipient of a grant under this section, the Secretary may grant for the project of the recipient of the grant a waiver of the requirement described in paragraph (2) if the Secretary finds that—

“(i) the application of paragraph (2) would be inconsistent with the public interest;

“(ii) iron or steel products or iron or steel manufactured products are not produced in the United States—

“(I) in sufficient and reasonably available quantities; or

“(II) of a satisfactory quality; or

“(iii) the inclusion of iron or steel products or iron or steel manufactured products in the United States would increase the cost of the overall project by greater than 25 percent.

“(B) PUBLIC NOTICE.—On receipt of a request for a waiver under subparagraph (A), the Secretary shall—

“(i) make available to the public, including by electronic means, including on the official public website of the Department, on an informal basis, a copy of the request and all information available to the Secretary relating to the request; and

“(ii) provide for informal public input on the request for a period of not fewer than 15 days before making with respect to the request the finding described in subparagraph (A).

“(i) DEFINITIONS.—In this section:

“(1) ENVIRONMENTAL JUSTICE COMMUNITY.—The term ‘environmental justice community’ means any community with significant representation of communities of color, low-income communities, or Tribal and indigenous communities, that experiences, or is at risk of experiencing higher or more adverse human health or environmental effects.

“(2) IDLED WELL.—The term ‘idled well’—

“(A) if the Secretary has not established a definition under subsection (a)(4)(B), means a well that has been non-operational for at least two consecutive years for which there is no anticipated beneficial future use; or

“(B) has the meaning given to such term by the Secretary under subsection (a)(4)(B).

“(3) INDIAN TRIBE.—The term ‘Indian Tribe’ means the governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation individually identified (including parenthetically) in the most recent list published pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

“(4) OPERATOR.—The term ‘operator’ means, with respect to an oil or gas operation, any entity, including the lessee or operating rights owner, who has stated in writing to a relevant authority that such entity is responsible for such operation or a portion thereof.

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

“(A) with respect to Federal and Tribal land—

“(i) has the meaning given to such term by the Secretary under subsection (a)(3); or

“(ii) if the Secretary has not defined the term under such subsection, means a well that is not being used for authorized purposes such as

production, injection, or monitoring and for which either no operator can be found or the operator is unable to permanently plug the well and remediate and reclaim the well site; and

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

“(i) has the meaning given to such term by such State if the Secretary determines under subsection (b)(3)(C)(iii) that such definition is reasonable; or

“(ii) has the meaning given in subparagraph (A).

“(6) TRIBAL LAND.—The term ‘Tribal land’ means any land or minerals, or interests in land or minerals, owned by any Indian Tribe, the title to which is held in trust by the United States, or is subject to a restriction against alienation under the laws of the United States.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2021, to remain available until September 30, 2031—

“(1) to the Secretary—

“(A) \$400,000,000 to carry out the program under subsection (a);

“(B) \$1,500,000,000—

“(i) to provide grants under paragraph (2) of subsection (b); and

“(ii) to provide, beginning on the date that is 18 months after amounts are made available to carry out this section, grants under paragraph (4) of such subsection;

“(C) \$3,500,000,000 to provide grants under paragraph (3) of such subsection;

“(D) \$2,250,000,000 to provide grants under paragraph (4) of such subsection; and

“(E) \$300,000,000 to carry out subsection (c);

“(2) to the Secretary of Energy, \$48,000,000 to conduct research and development activities in cooperation with the Interstate Oil and Gas Compact Commission to assist the Federal land management agencies, States, and Indian Tribes in identifying and characterizing undocumented orphaned wells and mitigating the environmental risks of undocumented orphaned wells; and

“(3) to the Interstate Oil and Gas Compact Commission, \$2,000,000 to carry out this section.”

(b) CLERICAL AMENDMENT.—Section 1(b) of the Energy Policy Act of 2005 is amended in the table of contents by amending the item relating to section 349 to read as follows:

“Sec. 349. Orphaned well site plugging, remediation, and restoration.”

SEC. 3. AMENDMENT TO MINERAL LEASING ACT.

Section 17(g) of the Mineral Leasing Act (30 U.S.C. 226(g)) is amended by inserting “The Secretary concerned shall review the adequacy of each such bond, surety, or other financial arrangement anytime a lease issued under this section is transferred. Each such bond, surety, or other financial arrangement shall be considered inadequate if such bond, surety, or other financial arrangement is for less than \$150,000 in the case of an arrangement for an individual surface-disturbing activity of each entity on an individual oil or gas lease in a State, or \$500,000 in the case of an arrangement for all surface-disturbing activities of each entity on all oil and gas leases in a State.” after “on the lease.”

PURPOSE OF THE BILL

The purpose of H.R. 2415 is to amend the Energy Policy Act of 2005 to require the Secretary of the Interior to establish a program to permanently plug, remediate, and reclaim orphaned wells and the surrounding lands and to provide funds to States and Tribal Governments to permanently plug, remediate, and reclaim orphaned wells and the surrounding lands.

BACKGROUND AND NEED FOR LEGISLATION

When oil and gas wells reach the end of their productive lifespans, well owners must plug each well and reclaim the surrounding land to its original condition. Plugging involves removing any remaining pipelines and sealing the well shut with a cement plug. Reclamation involves removing structures and equipment on the surface and restoring vegetation around a well site to its origi-

nal natural condition. Before drilling, oil and gas development companies provide regulators with a bond or other financial assurance instrument to cover plugging and reclamation costs if the company declares bankruptcy, dissolves, or otherwise fails to clean up the site. Bonds and other financial assurance mechanisms are intended to ensure taxpayers are not left paying for the cost of remediation. Bond amounts vary significantly by state and the number and type of wells they cover.

Wells are “orphaned” when bonds are insufficient to cover plugging and reclamation expenses and there are no known responsible or liable parties. Taxpayers are eventually left to cover these reclamation costs. Orphaned wells exist on federal, tribal, state, and private lands, plaguing federal and state regulators. Decommissioned wells that have been properly closed and reclaimed are “plugged and abandoned.” Wells with no recent production that are unlikely to be appropriately plugged are “abandoned.” “Idle” or “idled” wells have not produced oil or gas for a fixed period: six months to several years, depending on the state or federal jurisdiction.

It’s difficult to approximate the number of orphaned oil and gas wells in the United States. A preliminary survey by the Interstate Oil and Gas Compact Commission (IOGCC), a consortium of 31 state oil and gas regulators, suggests that as of 2020, there were at least 69,000 known orphaned wells in the country.¹ A large percent of these wells are in Kentucky, Pennsylvania, Texas, West Virginia, Kansas, and Illinois. The IOGCC also estimates there may be hundreds of thousands more undocumented orphaned wells dating from the early years of oil and gas production in the United States.

In 2018, the Environmental Protection Agency (EPA) estimated there are around 3.2 million abandoned oil and gas wells in the United States, of which approximately 2 million are considered unplugged or remain improperly closed.² The nonprofit organization Carbon Tracker estimates there are 2.6 million unplugged U.S. wells,³ while another analysis estimates there are closer to 1.5 million abandoned or orphaned wells.⁴

The U.S. Department of the Interior (DOI) is responsible for oil and gas development on federal and tribal lands. Within DOI, the Bureau of Land Management (BLM) is primarily responsible for managing oil and gas resources. BLM administers more than 247 million acres of land and 700 million acres of subsurface mineral estate. BLM cooperates with the U.S. Forest Service (USFS) to coordinate access to federal oil and gas resources in national forests and with the Bureau of Indian Affairs (BIA) to manage oil and gas resources on tribal land.

¹*Building Back Better: Creating Jobs and Reducing Pollution by Plugging and Reclaiming Orphaned Wells: Hearing on H.R. 2415 Before the Subcomm. on Energy & Min. Res. of the H. Comm. on Nat. Res.*, 117th Cong. (Apr. 15, 2021) (not printed) (statement of Lori Wrotenbery, Exec. Dir., IOGCC, at 1–2), <https://docs.house.gov/meetings/11/1106/20210415/111449/HHRG-117-1106-Wstate-WrotenberyL-20210415.pdf>.

²EPA, INVENTORY OF U.S. GREENHOUSE GAS EMISSIONS AND SINKS 1990–2016: ABANDONED OIL AND GAS WELLS 8 tbl.7 (2018), https://www.epa.gov/sites/default/files/2018-04/documents/ghgemissions_abandoned_wells.pdf.

³ROBERT SCHUWERK & GREG ROGERS, CARBON TRACKER, BILLION DOLLAR ORPHANS 9 (2020), available at <https://carbontracker.org/reports/billion-dollar-orphans/>.

⁴MATT MAYER, TGS–NOPEC GEOPHYSICAL CO., ABANDONED WELLS—HOW BIG IS THE PROBLEM, AND WHAT CAN BE DONE? 1 (2020), <https://www.tgs.com/hubfs/Well%20Intel/Well-Intel-12-Abandoned-Wells-R01.pdf>.

In April 2021, in a statement submitted to the congressional record during a hearing on H.R. 2415, DOI announced that across USFS, BLM, BIA, the National Park Service, and the U.S. Fish and Wildlife Service, there are more than 14,400 orphaned and likely orphaned wells on the federal lands managed by these agencies.⁵

In 2019, the U.S. Government Accountability Office (GAO) issued a report that found the bonds held by BLM insufficient to clean up orphaned wells because they do not reflect total reclamation costs.⁶ According to GAO, the average bond coverage for each well on BLM public land is \$2,122.⁷ Yet eighty-four percent of bonds held would not fully cover reclamation costs even under a low-cost scenario.⁸ GAO estimated the typical cleanup costs for orphaned wells to be between \$20,000 and \$145,000 per well and recommended that BLM substantially increase minimum bond levels.⁹

Abandoned oil and gas wells can leak natural gas and other pollutants, damaging local air quality and contributing to climate change. As the structural integrity of a wellbore decreases with time, gases can migrate from underground formations to the surface. Escaped gases can include methane, the primary component of natural gas and a potent greenhouse gas.¹⁰ Other hazards include ground-level ozone pollution, volatile organic compounds, and benzene,¹¹ a known carcinogen that causes leukemia¹² and is linked to low birth weights.¹³ According to the Centers for Disease Control and Prevention, exposure to ground-level ozone is linked to health problems such throat irritation, wheezing and breathing difficulties, and aggravation of respiratory illnesses like asthma, bronchitis, and emphysema.¹⁴

According to a 2020 study, the United States has underestimated methane emissions from abandoned oil and gas wells by 20 percent,¹⁵ and states have underestimated the number of nonproducing wells by around 12 percent.¹⁶ In a 2016 study, the National

⁵ See *Building Back Better: Creating Jobs and Reducing Pollution by Plugging and Reclaiming Orphaned Wells: Hearing on H.R. 2415 Before the Subcomm. on Energy & Min. Res. of the H. Comm. on Nat. Res.*, 117th Cong. (Apr. 15, 2021) (not printed) (statement of the U.S. Dep't of the Interior, at 2), <https://docs.house.gov/meetings/II/II06/20210415/111449/HHRG-117-II06-20210415-SD002.pdf>.

⁶ GAO, GAO-19-615, OIL AND GAS: BUREAU OF LAND MANAGEMENT SHOULD ADDRESS RISKS FROM INSUFFICIENT BONDS TO RECLAIM WELLS 14 (2019), <https://www.gao.gov/assets/710/701949.pdf>.

⁷ *Id.* at 11.

⁸ *Id.* at 15.

⁹ *Id.* at 24–25.

¹⁰ Nichola Groom, *Special Report: Millions of Abandoned Oil Wells Are Leaking Methane, a Climate Menace*, Reuters (June 16, 2020), <https://www.reuters.com/article/us-usa-drilling-abandoned-specialreport/special-report-millions-of-abandoned-oil-wells-are-leaking-methane-a-climate-menace-idUSKBN23N1NL>.

¹¹ *Id.*

¹² See, e.g., Frolayne M. Carlos-Wallace et al., *Parental, In Utero, and Early-Life Exposure to Benzene and the Risk of Childhood Leukemia: A Meta-Analysis*, 183(1) AM. J. EPIDEMIOLOGY 1, 1 (2015), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4751231/pdf/kwv120.pdf> (doi:10.1093/aje/kwv120); HHS, AGENCY FOR TOXIC SUBSTANCES & DISEASE REGISTRY, TOXICOLOGICAL PROFILE FOR BENZENE 6, 9 (2007), <https://www.atsdr.cdc.gov/toxprofiles/tp3.pdf>.

¹³ See, e.g., Sammy Zahran et al., *Maternal Benzene Exposure and Low Birth Weight Risk in the United States: A Natural Experiment In Gasoline Reformulation*, 112 ENV'T RSCH. 139 (2012), available at <https://doi.org/10.1016/j.envres.2011.11.008>.

¹⁴ *Ozone and Your Health*, CDC, <https://www.cdc.gov/air/ozone.html> (last updated Sept. 4, 2019).

¹⁵ James P. Williams, Amara Regehr & Mary Kang, *Methane Emissions from Abandoned Oil and Gas Wells in Canada and the United States*, 55(1) ENV'T SCI. & TECH. 563 (2021), <https://doi.org/10.1021/acs.est.0c04265> (published online 2020), corrected as to other matters, 55(1) ENV'T SCI. & TECH. 3449 (2021), <https://pubs.acs.org/doi/pdf/10.1021/acs.est.1c00377>.

¹⁶ *Id.*; see also Carlos Anchondo, *U.S. Underestimates GHGs from Abandoned Oil Wells—Study*, E&E NEWS (Jan. 22, 2021), <https://www.eenews.net/energywire/stories/1063723223>.

Academies of Sciences found abandoned wells in Pennsylvania emit 40,000 to 70,000 metric tons of methane per year—between 5 and 8 percent of the state’s human-caused methane emissions.¹⁷ A few high-emitting wells are responsible for most methane leaks, meaning plugging and remediating high-risk wells can substantially reduce methane emissions.

Improperly plugged wells can also cause oil, gas, or brine to leak into groundwater resources.¹⁸ “Brine” is saline water that naturally exists underground alongside oil and gas and can contain metals, naturally occurring organic compounds, and radioactive materials.¹⁹ Surface waters can be contaminated if fluids or gases rise from the well and spill onto the land or percolate into the soil. A 2011 study of 185 groundwater contamination incidents in Ohio from 1983 to 2007 found 41 incidents resulted from leakage by orphaned wells.²⁰ Methane leaks from undocumented abandoned wells can also cause safety hazards, as seen in a 2007 explosion at a Colorado construction site, a 2011 explosion that destroyed a home in Pennsylvania, and a 2014 evacuation of an Ohio elementary school.²¹

Both environmental advocates and state regulators support distributing federal funds to states to plug and reclaim orphaned wells, as doing so would help with longstanding ecological issues while creating jobs for laid-off oil and gas workers. In May 2020, the IOGCC asked the Trump administration for stimulus funds “to help keep oil and gas crews working during the current crisis” by plugging abandoned wells.²² Analysts have estimated that this work could create between 5,000 and 24,000 jobs,²³ while the Ohio River Valley Institute estimated in an April 2021 report that plugging the 538,000 abandoned oil and gas wells just in West Virginia, Pennsylvania, Ohio, and Kentucky over 20 years could create around 15,151 jobs, roughly equal to the number of jobs lost in the oil and gas industry in the region over the five years preceding the pandemic.²⁴

¹⁷ Mary Kang et al., *Identification and Characterization of High Methane-Emitting Abandoned Oil and Gas Wells*, 113(48) PNAS 13,636, 13,639 (2016), available at <https://doi.org/10.1073/pnas.1605913111>, corrected as to other matters, 114(29) PNAS E6025 (2017), available at <https://www.pnas.org/doi/10.1073/pnas.1711230114>.

¹⁸ See, e.g., JACQUELINE HO ET AL., RESOURCES FOR THE FUTURE, PLUGGING THE GAPS IN INACTIVE WELL POLICY 7 (2016), <https://media.rff.org/documents/RFF-Rpt-PluggingInactiveWells.pdf>.

¹⁹ See e.g., EPA, EPA-600-R-16-236FA, HYDRAULIC FRACTURING FOR OIL AND GAS: IMPACTS FROM THE HYDRAULIC FRACTURING WATER CYCLE ON DRINKING WATER RESOURCES IN THE UNITED STATES 3-11 n.1, 7-20 n.3 (2016), available at <https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990>.

²⁰ SCOTT KELL, GROUND WATER PROT. COUNCIL, STATE OIL AND GAS AGENCY GROUNDWATER INVESTIGATIONS AND THEIR ROLE IN ADVANCING REGULATORY REFORMS 2, 37 (2011), https://www.atlanticaenergy.org/pdfs/natural_gas/Environment/State%20Oil%20&%20Gas%20Agency%20Groundwater%20Investigations%20US%20GWProCouncil.pdf.

²¹ Sophie Quinton, *Why ‘Orphan’ Oil and Gas Wells Are a Growing Problem for States*, PEW CHARITABLE TRUSTS (July 9, 2018), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2018/07/09/why-orphan-oil-and-gas-wells-are-a-growing-problem-for-states>.

²² Nichola Groom, *States Ask Trump Administration to Pay Laid Off Oil Workers to Plug Abandoned Wells*, REUTERS (May 6, 2020), <https://www.reuters.com/article/us-global-oil-usa-wells/states-ask-trump-administration-to-pay-laid-off-oil-workers-to-plug-abandoned-wells-idUSKBN22I2KA>.

²³ See Kate Kelly & Jenny Rowland-Shea, *How Congress Can Help Energy States Weather the Oil Bust During the Coronavirus Pandemic*, CTR. FOR AM. PROGRESS (Apr. 29, 2020), <https://www.americanprogress.org/issues/green/reports/2020/04/29/484158/congress-can-help-energy-states-weather-oil-bust-coronavirus-pandemic/>.

²⁴ TED BOETTNER, OHIO RIVER VALLEY INST., REPAIRING THE DAMAGE FROM HAZARDOUS ABANDONED OIL & GAS WELLS 8 (2021), <https://ohiorivervalleyinstitute.org/wp-content/uploads/2021/04/Repairing-the-Damage-from-Hazardous-AOG-Wells-Report-1.pdf>.

H.R. 2415 would authorize funds to plug and reclaim orphaned oil and gas wells spread across the country that leak methane, contaminate groundwater, and pose safety risks. The bill would authorize \$8 billion over ten years for cleaning up orphaned wells on public, tribal, state, and privately-owned lands. Of these funds, \$400 million is for DOI and the Department of Agriculture to address wells on lands managed by the respective agencies, \$300 million is for the Bureau of Indian Affairs to issue grants to tribes, and \$7.25 billion is for three types of state grants to address wells on state and private lands.

The bill would permit federal land managers, tribes, and states to use the funds for a variety of activities, including identifying and inventorying orphaned wells, plugging wells, remediating impacted soils and species habitat, reclaiming well sites, removing infrastructure, and identifying parties that may be liable for cleanup costs. DOI would manage the grant-making process, and states would be eligible for grants after submitting detailed applications. Each state that receives funding would be required to submit a yearly report to DOI detailing how the grant was used and the results of the work. H.R. 2415 also contains two significant regulatory enhancements: increasing BLM's minimum bond requirements and requiring oil and gas operators to pay an annual fee for idled wells on public land.

H.R. 3684, the Infrastructure Investment and Jobs Act²⁵ (the "IIJA," sometimes called the Bipartisan Infrastructure Framework or "BIF" or the Bipartisan Infrastructure Law or "BIL"), signed into law on November 15, 2021, largely enacted the substance of H.R. 2415, by including more than \$4.7 billion over nine years to plug and reclaim orphaned wells on federal, tribal, state, and privately owned lands.²⁶ On May 25, 2022, DOI announced an initial \$33 million (of \$250 million total) in IIJA funding for projects to address 277 high-priority sites on federal public lands, national parks, national wildlife refuges and national forests.²⁷ On August 25, 2022, DOI announced a first round of \$560 million (of \$4.275 billion) in grants to states to address sites in 24 states, and it confirmed that the Department is engaged in tribal consultations and listening sessions prior to opening applications for the \$150 million tribal grant program.²⁸

COMMITTEE ACTION

H.R. 2415 was introduced on April 8, 2021, by Representative Teresa Leger Fernández (D–NM). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Energy and Mineral Resources. On April 15, 2021, the Subcommittee held a hearing on the bill. On May 26,

²⁵ Pub. L. No. 117–58, 135 Stat. 429 (2021), <https://uscode.house.gov/statviewer.htm?volume=135&page=429>.

²⁶ Pub. L. No. 117–58, § 40,601, 135 Stat. at 1080, <https://uscode.house.gov/statviewer.htm?volume=135&page=1080>.

²⁷ DOI, Press Release, Biden-Harris Administration Announces \$33 Million Infrastructure Investment to Address Legacy Pollution, Spur Good-Paying Jobs on Public Lands (May 25, 2022) (last edited May 27, 2022), <https://www.doi.gov/pressreleases/biden-harris-administration-announces-33-million-infrastructure-investment-address>.

²⁸ DOI, Press Release, Through President Biden's Bipartisan Infrastructure Law, 24 States Set to Begin Plugging Over 10,000 Orphaned Wells (Aug. 25, 2022) (last edited Aug. 31, 2022), <https://www.doi.gov/pressreleases/through-president-bidens-bipartisan-infrastructure-law-24-states-set-begin-plugging>.

2021, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Rep. Leger Fernández offered an amendment in the nature of a substitute. Rep. Leger Fernández offered an amendment designated Leger Fernández #1 to the amendment in the nature of a substitute. The amendment was agreed to by voice vote. Rep. Yvette Herrell (R-NM) offered an amendment designated Herrell #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 16 yeas and 23 nays, as follows:

Date: May 26, 2021

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2415

Amendment: Rep. Herrell #1 amendment

Disposition: Not agreed to by a roll call vote of 16 yeas and 23 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN			
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. Matsui, CA		X	
15	Ms. McCollum, MN			
16	Mr. McEachin, VA			
17	Mrs. Napolitano, CA		X	
18	Mr. Neguse, CO		X	
19	Ms. Porter, CA		X	
20	Mr. Sablan, MP		X	
21	Mr. San Nicolas, GU		X	
22	Mr. Soto, FL		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID			
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ	X		
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA			
13	Mr. Moore, UT	X		
14	Mr. Oberholte, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI			
19	Mr. Webster, FL			
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	16	23	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Matt Rosendale (R-MT) offered an amendment designated Rosendale #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 17 yeas and 23 nays, as follows:

Date: May 26, 2021

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 2415

Amendment: Rep. Rosendale #1 amendment

Disposition: Not agreed to by a roll call vote of 17 yeas and 23 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN			
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. Matsui, CA		X	
15	Ms. McCollum, MN			
16	Mr. McEachin, VA			
17	Mrs. Napolitano, CA		X	
18	Mr. Neguse, CO		X	
19	Ms. Porter, CA		X	
20	Mr. Sablan, MP		X	
21	Mr. San Nicolas, GU		X	
22	Mr. Soto, FL		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ	X		
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA			
13	Mr. Moore, UT	X		
14	Mr. Oberholte, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI			
19	Mr. Webster, FL			
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	17	23	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Pete Stauber (R-MN) offered an amendment designated Stauber #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 17 yeas and 23 nays, as follows:

Date: May 26, 2021

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS -- ROLL CALL

Bill / Motion: H.R. 2415

Amendment: Rep. Stauber #1 amendment

Disposition: Not agreed to by a roll call vote of 17 yeas and 23 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN			
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernandez, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. Matsui, CA		X	
15	Ms. McCollum, MN			
16	Mr. McEachin, VA			
17	Mrs. Napolitano, CA		X	
18	Mr. Neguse, CO		X	
19	Ms. Porter, CA		X	
20	Mr. Sablan, MP		X	
21	Mr. San Nicolas, GU		X	
22	Mr. Soto, FL		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ	X		
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA			
13	Mr. Moore, UT	X		
14	Mr. Obermole, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI			
19	Mr. Webster, FL			
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	17	23	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Stauber offered an amendment designated Stauber #2 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 17 yeas and 22 nays, as follows:

Date: May 26, 2021

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2415

Amendment: Rep. Stauber #2 amendment

Disposition: Not agreed to by a roll call vote of 17 yeas and 22 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN			
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. Matsui, CA		X	
15	Ms. McCollum, MN			
16	Mr. McEachin, VA			
17	Mrs. Napolitano, CA		X	
18	Mr. Neguse, CO		X	
19	Ms. Porter, CA		X	
20	Mr. Sablan, MP		X	
21	Mr. San Nicolas, GU		X	
22	Mr. Soto, FL		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ	X		
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA			
13	Mr. Moore, UT	X		
14	Mr. Obermole, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI			
19	Mr. Webster, FL			
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	17	22	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Stauber offered an amendment designated Stauber #3 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 16 yeas and 23 nays, as follows:

Date: May 26, 2021

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2415

Amendment: Rep. Stauber #3 amendment

Disposition: Not agreed to by a roll call vote of 16 yeas and 23 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN			
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. Matsui, CA		X	
15	Ms. McCollum, MN			
16	Mr. McEachin, VA			
17	Mrs. Napolitano, CA		X	
18	Mr. Neguse, CO		X	
19	Ms. Porter, CA		X	
20	Mr. Sablan, MP		X	
21	Mr. San Nicolas, GU		X	
22	Mr. Soto, FL		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ	X		
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA			
13	Mr. Moore, UT	X		
14	Mr. Oberholte, CA			
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI			
19	Mr. Webster, FL			
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	16	23	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Garret Graves (R-LA) offered an amendment designated Graves #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 16 yeas and 22 nays, as follows:

Date: May 26, 2021

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS -- ROLL CALL**

Bill / Motion: H.R. 2415

Amendment: Rep. Graves #1 amendment

Disposition: Not agreed to by a roll call vote of 16 yeas and 22 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN			
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. Matsui, CA		X	
15	Ms. McCollum, MN			
16	Mr. McEachin, VA			
17	Mrs. Napolitano, CA		X	
18	Mr. Neguse, CO		X	
19	Ms. Porter, CA		X	
20	Mr. Sablan, MP		X	
21	Mr. San Nicolas, GU		X	
22	Mr. Soto, FL		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA			
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ	X		
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA			
13	Mr. Moore, UT	X		
14	Mr. Obermole, CA			
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI			
19	Mr. Webster, FL			
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	16	22	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Graves offered an amendment designated Graves #2 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 16 yeas and 23 nays, as follows:

Date: May 26, 2021

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2415

Amendment: Rep. Graves #2 amendment

Disposition: Not agreed to by a roll call vote of 16 yeas and 23 nays.¹

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN			
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. Matsui, CA		X	
15	Ms. McCollum, MN			
16	Mr. McEachin, VA			
17	Mrs. Napolitano, CA		X	
18	Mr. Neguse, CO		X	
19	Ms. Porter, CA		X	
20	Mr. Sablan, MP		X	
21	Mr. San Nicolas, GU		X	
22	Mr. Soto, FL		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ	X		
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA			
13	Mr. Moore, UT	X		
14	Mr. Oberholte, CA			
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI			
19	Mr. Webster, FL			
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			

¹ During the markup, the total on this vote was announced incorrectly. The numbers above are accurate and authoritative.

Total: 48 / Quorum: 16 / Report: 25	16	23	
TOTALS	YEAS	NAYS	PRESENT

5/27/2021 5:32 PM

Rep. Graves offered an amendment designated Graves #85 to the amendment in the nature of a substitute. The amendment was withdrawn. Rep. Graves offered an amendment designated Graves #88 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 17 yeas and 20 nays, as follows:

Date: May 26, 2021

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2415

Amendment: Rep. Graves #88 amendment

Disposition: Not agreed to by a roll call vote of 17 yeas and 20 nays.¹

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN			
4	Mr. Costa, CA	X		
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL			
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. Matsui, CA		X	
15	Ms. McCollum, MN			
16	Mr. McEachin, VA			
17	Mrs. Napolitano, CA		X	
18	Mr. Neguse, CO		X	
19	Ms. Porter, CA		X	
20	Mr. Sablan, MP			
21	Mr. San Nicolas, GU		X	
22	Mr. Soto, FL		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ	X		
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA			
13	Mr. Moore, UT	X		
14	Mr. Oberholte, CA			
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI			
19	Mr. Webster, FL			
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			

¹ During the markup, the total on this vote was announced incorrectly. The numbers above are accurate and authoritative.

Total: 48 / Quorum: 16 / Report: 25	17	20	
TOTALS	YEAS	NAYS	PRESENT

5/27/2021 5:33 PM

Rep. Graves offered an amendment designated Graves #89 to the amendment in the nature of a substitute. The amendment was withdrawn. The amendment in the nature of a substitute offered by Rep. Leger Fernández, as amended, was agreed to by voice vote. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 22 yeas and 17 nays, as follows:

Date: May 26, 2021

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2415

Amendment:

Disposition: Final Passage: H.R. 2415, as amended, was ordered favorably reported to the House of Representatives by a roll call vote of 22 yeas and 17 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA	X		
2	Mr. Case, HI	X		
3	Mr. Cohen, TN			
4	Mr. Costa, CA	X		
5	Ms. DeGette, CO	X		
6	Mrs. Dingell, MI	X		
7	Mr. Gallego, AZ	X		
8	Mr. Garcia, IL			
9	Mr. Grijalva, AZ (Chair)	X		
10	Mr. Huffman, CA	X		
11	Ms. Leger Fernández, NM	X		
12	Mr. Levin, CA	X		
13	Mr. Lowenthal, CA	X		
14	Ms. Matsui, CA	X		
15	Ms. McCollum, MN			
16	Mr. McEachin, VA			
17	Mrs. Napolitano, CA	X		
18	Mr. Neguse, CO	X		
19	Ms. Porter, CA	X		
20	Mr. Sablan, MP	X		
21	Mr. San Nicolas, GU	X		
22	Mr. Soto, FL	X		
23	Ms. Tlaib, MI	X		
24	Mr. Tonko, NY	X		
25	Ms. Trahan, MA	X		
26	Ms. Velázquez, NY	X		
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR		X	
2	Mrs. Boebert, CO		X	
3	Mr. Carl, AL		X	
4	Mr. Fulcher, ID		X	
5	Mr. Gohmert, TX		X	
6	Miss González-Colón, PR		X	
7	Mr. Gosar, AZ		X	
8	Mr. Graves, LA		X	
9	Ms. Herrell, NM		X	
10	Mr. Hice, GA		X	
11	Mr. Lamborn, CO		X	
12	Mr. McClintock, CA			
13	Mr. Moore, UT		X	
14	Mr. Oberholte, CA		X	
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT		X	
17	Mr. Stauber, MN		X	
18	Mr. Tiffany, WI			
19	Mr. Webster, FL			
20	Mr. Westerman, AR (RM)		X	
21	Mr. Wittman, VA		X	
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	22	17	
	TOTALS	YEAS	NAYS	PRESENT

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 April 15, 2021.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the “Orphaned Well Cleanup and Jobs Act of 2021.”

Section 2. Orphaned well site plugging, remediation, and restoration

Section 2 amends the Energy Policy Act of 2005 to include a new program for the remediation of orphaned oil and gas wells.

Subsection (a) Federal program

Subsection (a) directs the Secretary of the Interior, in coordination with the Secretary of Agriculture and affected tribes, to establish a program to reclaim orphaned wells on federal land within 180 days of enactment. The federal program must include processes for identifying and inventorying orphaned wells on federal land, ranking orphaned wells by priority, plugging wells, reclaiming well pads and roads, restoring soil and native species, removing infrastructure, identifying parties potentially liable, supporting research and development, measuring water contamination, and reducing the effect of orphaned wells on environmental justice communities.

Within 180 days of enactment, the Secretary of the Interior must issue a final rule defining the term “orphaned well” for federal and tribal land. Within 180 days, BLM must also establish a new definition for “idled well,” replacing the Energy Policy Act of 2005 definition that requires wells to be non-operational for seven years. The Secretary of the Interior is required to consult affected tribes, the Secretary of Energy, and the IOGCC and work cooperatively with the Secretary of Agriculture and states, to carry out the federal well-plugging program.

SUBSECTION (B) STATE ORPHANED WELL SITE PLUGGING,
REMEDICATION, AND RESTORATION

Subsection (b) outlines the new program for remediating orphaned oil and gas wells on state- and privately-owned land. States should use provided funds to plug and reclaim orphaned wells on state- and privately-owned land, identify and characterize wells, rank those wells based on harm, make information on the use of funds publicly available, measure and track emissions, measure and track water contamination, remediate soil and restore habitat, and reduce effects of orphaned wells on environmental justice communities. No more than 10 percent of a state’s funding may be used for administering the program.

There are two tiers for “initial grants” to states:

- Each state that is a member of the IOGCC can receive up to \$25 million if they have at least one documented orphaned well and certify that they can obligate 90 percent of funds

within 180 days and describe how the funding will help put people back to work who have lost their jobs since March 1, 2020.

- Up to \$5 million is available to states that don't qualify for a grant under the previous paragraph but certify that they have an orphaned well cleanup program, can start an orphaned well cleanup program, or will use the funding to prepare an application for a formula grant.

After two years, any unspent funds will be returned to the Secretary to plug and reclaim wells on federal land. States are required to submit a publicly available report to the Secretary within 15 months of receiving funds detailing how the state adhered to the requirements.

In addition to initial grants, the Secretary must establish a formula for the distribution of "formula grants" to states based on job losses in the oil and gas industry since March 1, 2020, the number of documented oil and gas wells, and the amount of oil and gas produced in 2019 as determined by the Energy Information Administration. Within 30 days of the deadline for states to notify the Secretary of the Interior that they intend to apply for a formula grant, the Secretary will publish on a public website the amount each state is eligible to receive.

States may apply to receive formula grant funding by submitting an application that includes a description of the state's orphaned well program, the activities that will be carried out with the grant money, the estimates of the job creation impact of the grant, and other details. States have five years to obligate formula grant funds. The Secretary is required to consult with the EPA Administrator, the Secretary of Energy, and the IOGCC when determining the eligibility of a state to receive funds. The Secretary is required to issue a formula grant to a state no later than 60 days after approving that state's application.

This section also establishes the administration of "discretionary grants," which may be awarded by the Secretary beginning six months after the first initial grant is awarded. States may receive up to three \$20 million regulatory improvement grants, with one grant allowed for states having done each of the following:

1. Strengthened regulations restricting methane emissions from oil and gas operations;
2. Strengthened plugging and abandonment rules to protect groundwater from oil and gas operations, or
3. Made statutory or regulatory improvements designed to reduce future orphaned well burdens, including but not limited to bonding requirements or other financial assurance reforms, alternative funding mechanisms for orphaned well programs, or reforms to well transfer and temporary abandonment programs.

The Secretary can also issue one "matching grant" per state per fiscal year between 2021 and 2031 for grants equal to the amount of additional funding spent by a state on cleaning up orphaned wells and associated facilities in a given fiscal year, compared to the average the state spent on that activity between 2010 and 2019. The total amount of matching grant funding a state receives may not exceed \$30 million. To prevent regulatory backsliding, this section requires that if a state that receives a regulatory improve-

ment grant and reverses the improvement during the ten years following the state's acceptance of the grant, the state must reimburse the Interior Secretary for those funds. Each state that received a grant under this program must submit a report to the Secretary each year describing how the grant was used and the results of the work.

Subsection (c) Tribal orphaned well site plugging, remediation, and restoration

Subsection (c) outlines the tribal orphaned well site plugging, remediation, and restoration program within the Bureau of Indian Affairs. When issuing grants to tribes, the Secretary is required to consider the unemployment rate of the tribe on the date of the grant application, the number of documented orphaned wells, and the projected cost to reclaim such wells.

This subsection details the application requirements for tribes to receive grants. Tribes may use up to 15 percent of grant funding for administrative purposes. The Secretary must grant or deny an application within 60 days of receipt, and tribes must obligate funds within eight years of receiving them. Tribes can request the Department of the Interior conduct the plugging, remediation, and restoration work for tribal orphaned wells under the federal program established in subsection (a).

Subsection (d) Technical assistance

Subsection (d) updates Sec. 349(g) of the Energy Policy Act of 2005 and allows the Secretary of Energy to work with the IOGCC and the Secretary of the Interior to provide technical assistance to federal land management agencies, states, and tribes to help address orphaned oil and gas wells.

Subsection (e) Report to Congress

Subsection (e) requires that the Secretary submit a report to Congress each year that provides the following:

- An updated inventory of orphaned wells and wells at-risk of becoming orphaned;
- An estimate of the amount of methane and other gases emitted from orphaned wells and an estimate of the emissions reduced as a result of plugging wells;
- The acreage of habitat restored; and
- The number of jobs created and saved through plugging and reclaiming orphaned wells.

Subsection (f) Idled well fees

Subsection (f) requires the Secretary of the Interior to issue regulations requiring operators to pay an annual fee for idled wells on federal land. These fees are based on the duration a well has been idled. Owners must pay this fee by May 1 of each year. The Secretary can charge civil penalties if operators fail to pay the fees. Idled well fees must be adjusted for inflation at least once every four years. 50 percent of funds from idled well fees will be used for inventorying, plugging, and remediating orphaned wells on federal land, and 50 percent of funds will be used by BLM to carry out inspections on oil and gas operations on federal land.

Subsection (g) Savings clauses and prevailing wage requirements

Subsection (g) ensures that this Act does not absolve potentially responsible parties of responsibility for cleaning up orphaned well sites, impact state liability laws, or affect any of the federal government's responsibility to tribes. The subsection also requires that all employees of projects authorized under this Act are paid no less than local prevailing wages.

Subsection (h) American iron, steel, and manufactured products

Subsection (h) requires, to the extent practicable, that funds not be used for an orphaned well plugging or remediation project unless all of the iron and steel products and iron and steel manufactured products used in the project are produced in the United States. Specifically, the subsection authorizes the Secretary, at the request of an applicant, to waive the prohibition if its enforcement would be inconsistent with the public interest; if the necessary products are not produced in the United States in adequate quantities or quality; or if the requirement would increase the cost of the project by more than 25 percent. Before granting any such waiver, the Secretary must make the waiver request available to the public online, with all related information, and provide no fewer than 15 days for informal public input on the request.

Subsection (i) Definitions

Subsection (i) defines key terms and provides temporary definitions for "Idled Well" and "Orphaned Well" until the Secretary of the Interior updates those definitions by regulation.

Subsection (j) Authorization of appropriations

Subsection (j) authorizes the appropriation of funds to the Secretary of the Interior for use until all funds have been obligated, but no later than FY2031:

- \$400,000,000 to carry out the work on federal land under subsection (a).
- \$1,500,000,000 for initial grants under subsection (b), with funds left over from this round to be carried over to the discretionary grants under subsection (b).
- \$3,500,000,000 for formula grants under subsection (b).
- \$2,250,000,000 for discretionary grants under subsection (b).
- \$300,000,000 for the tribal grant program under subsection (c).

This subsection also authorizes \$48 million for the Secretary of Energy to conduct research and development activities, in cooperation with the IOGCC, to assist federal land managers, states, and tribes in identifying and characterizing undocumented orphaned wells and mitigating the environmental risks of these orphaned wells.

The subsection also authorizes \$2,000,000 to the IOGCC to assist the Secretary of the Interior and the Secretary of Energy in carrying out the Act.

Total authorizations in the bill equal \$8 billion.

Section 3. Amendment to the Mineral Leasing Act

Section 3 eliminates the ability for a company to provide a single bond to cover all leases or operations on public lands nationwide and increases minimum bonding amounts for a single lease from \$10,000 to \$150,000, and for all of an operator's leases in a state from \$150,000 to \$500,000.

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.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, as well as clause 3(d) of rule XIII of the Rules of the House of Representatives, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 6, 2021.

Hon. RAÚL M. GRIJALVA,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2415, the Orphaned Well Cleanup and Jobs Act of 2021.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

At a Glance			
H.R. 2415, Orphaned Well Cleanup and Jobs Act of 2021			
As ordered reported by the House Committee on Natural Resources on May 26, 2021			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	-25	-70	-70
Revenues	*	*	*
Increase or Decrease (-) in the Deficit	-25	-70	-70
Spending Subject to Appropriation (Outlays)	455	7,715	8,000
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

The bill would:

- Authorize appropriations totaling \$8 billion in 2021 for the Department of the Interior (DOI) to establish an orphaned-well remediation program on federal land and to provide grants to states and tribes for similar purposes
- Direct DOI to collect fees for idled oil and gas wells located on onshore federal land and to spend such collections without further appropriation

Estimated budgetary effects would mainly stem from:

- Spending of the authorized appropriations
- Collection and spending of the fees

Areas of significant uncertainty include:

- Estimating the number of idled wells and the amount of fees that would be collected

Bill summary: H.R. 2415 would authorize appropriations totaling \$8 billion in fiscal year 2021 for the Department of the Interior (DOI) to establish an orphaned-well remediation program on federal land and to provide grants to states and Indian tribes for similar purposes. The bill also would direct DOI to collect fees for idled (or nonoperational) oil and gas wells located on onshore federal land and would authorize the department to spend those fees without further appropriation for reclamation and related administration.

Estimated Federal cost: The estimated budgetary effect of H.R. 2415 is shown in Table 1. The costs of the legislation fall primarily within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 2415

	By fiscal year, millions of dollars—											
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2022–2026	2022–2031
	Increases in Direct Spending											
Estimated Budget Authority ^a	0	0	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	-25	-20	-10	-10	-5	0	0	0	0	0	-70	-70

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 2415—Continued

	By fiscal year, millions of dollars—											
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2022–2026	2022–2031
	Increases in Spending Subject to Appropriation											
Authorization ^b	8,000	0	0	0	0	0	0	0	0	0	8,000	8,000
Estimated Outlays	455	1,925	1,895	1,895	1,545	255	25	5	0	0	7,715	8,000

CBO estimates that enacting H.R. 2415 would increase revenues by an insignificant amount over the 2021–2031 period.

^a Enacting the bill would increase offsetting receipts that could be subsequently spent without appropriation action. As a result, the budget authority nets to zero. Because outlays lag collections, net spending would be reduced in the first five years.

^b The bill would authorize the appropriation of \$8 billion in fiscal year 2021. Because fiscal year 2021 has ended, CBO has assumed for this estimate that the amounts would be provided in 2022.

Basis of estimate: For this estimate, CBO assumes the legislation will be enacted by the end of calendar year 2021. Estimated spending is based on historical spending patterns for similar programs.

Spending subject to appropriation: H.R. 2415 would authorize the appropriations totaling \$8 billion in fiscal year 2021. Because that fiscal year has ended, CBO assumes for this estimate that those amounts would be provided in 2022. On that basis and assuming appropriation of the specified amounts, CBO estimates that implementing the bill would cost \$7.7 billion over the 2022–2026 period (see Table 2).

The bill would require states and tribes either to obligate funds within 2 years to 10 years of their receipt or to reimburse unobligated amounts to DOI. CBO assumes that states would obligate the full amounts within the timeframes specified and that any administrative costs that DOI incurs would be covered by the amounts authorized.

TABLE 2.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 2415

	By fiscal year, millions of dollars—					
	2022 ^a	2023	2024	2025	2026	2022–2026
Federal Program:						
Authorization	400	0	0	0	0	400
Estimated Outlays	20	40	80	80	80	300
Initial Grants to States:						
Authorization	1,500	0	0	0	0	1,500
Estimated Outlays	105	375	375	375	270	1,500
Formula Grants to States:						
Authorization	3,500	0	0	0	0	3,500
Estimated Outlays	245	875	875	875	630	3,500
Regulatory Improvement and Matching Grants to States:						
Authorization	2,250	0	0	0	0	2,250
Estimated Outlays	0	400	560	560	560	2,080
Grants to Tribes:						
Authorization	300	0	0	0	0	300
Estimated Outlays	75	225	0	0	0	300
Department of Energy:						
Authorization	50	0	0	0	0	50
Estimated Outlays	10	10	5	5	5	35
Total Changes:						
Estimated Authorization	8,000	0	0	0	0	8,000
Estimated Outlays	455	1,925	1,895	1,895	1,545	7,715

^a The bill would authorize appropriations totaling \$8 billion in fiscal year 2021. Because fiscal year 2021 has ended, CBO has assumed for this estimate that the amounts for each activity would be provided in 2022.

Federal program: H.R. 2415 would authorize the appropriation of \$400 million for DOI, in cooperation with the Department of Agri-

culture and affected tribes, to establish a program to plug, remediate, and reclaim orphaned (or abandoned) oil and gas wells on federal land. DOI would be required to issue regulations to define and identify orphaned and idled wells. Based on historical spending patterns for similar activities, CBO estimates that implementing the provision would cost \$300 million over the 2022–2026 period and \$100 million after 2026.

Grants to States: The bill would authorize appropriations for three different types of state grants totaling \$7.25 billion. Using information from DOI, CBO expects that the department would make grants available in four annual cycles, starting in 2022, and that the grants would be fully issued to states within one year of being awarded.

Initial grants. Of that \$7.25 billion, H.R. 2415 would authorize the appropriation of \$1.5 billion for initial grants to states to plug, remediate, and reclaim orphaned wells on state and private lands; track methane emissions from wells; decommission pipelines and infrastructure; and complete other related activities. A group of 38 member and associate member states of the Interstate Oil and Gas Compact Commission (IOGCC) would be eligible to receive up to \$25 million each in initial grants; 12 nonmember states could receive up to \$5 million each. The remaining amounts would be available 18 months after the first grants are issued for regulatory improvement and matching grants, as discussed below. CBO estimates that providing those grants to states would cost \$1.5 billion over the 2022–2026 period.

Formula grants. The bill also would authorize the appropriation of \$3.5 billion for DOI to award grants to states based on the volume of recent job losses in the oil and gas industry and on the projected costs to plug and reclaim orphaned wells. CBO estimates that outlays for the grants would total \$3.5 billion over the 2022–2026 period.

Regulatory improvement and matching grants. In addition to any amounts remaining after the initial grants are issued, H.R. 2415 would authorize the appropriation of \$2.25 billion for DOI to provide regulatory improvement and matching grants that would be capped at \$90 million per state. To be eligible, a state would need to regulate gas capture and prohibit venting and flaring from oil and gas wells, strengthen well-plugging standards, or implement bonding reform and other funding mechanisms for orphaned-well programs. CBO estimates that providing the grants would cost \$2.1 billion over the 2022–2026 period; the remaining amounts would be spent after 2026.

Tribal grants: H.R. 2415 would authorize the appropriation of \$300 million for tribal grants to plug, remediate, and reclaim orphaned wells and to conduct related activities. CBO expects that those grants would be awarded in 2022 and that providing them would cost \$300 million over the 2022–2026 period.

Department of Energy: The bill would authorize appropriations totaling \$50 million for the Department of Energy and the IOGCC to conduct related research and development and to provide technical assistance to DOI, states, and tribes. Assuming appropriation of the authorized amounts and based on the timeframes provided under the bill for states and tribes to obligate the grant funds,

CBO estimates that implementing that provision would cost \$35 million over the 2022–2026 period and \$15 million after 2026.

Other activities: H.R. 2415 would direct DOI to issue regulations for idled-well fees. Based on the costs of similar activities, CBO estimates that any costs incurred by DOI would be insignificant; any spending would be subject to the availability of appropriated funds.

Section 3 would increase minimum bond amounts required under the Mineral Leasing Act. Forfeited bonds from onshore mineral leasing are recorded in the budget as discretionary offsetting collections and their spending is subject to appropriation. Assuming appropriation actions consistent with previous appropriation bills, CBO expects that any additional amounts forfeited under H.R. 2415 would be spent soon thereafter.

Direct spending: CBO estimates that enacting H.R. 2415 would reduce direct spending by \$70 million over the 2022–2031 period; those savings would result from the lag between the collection and spending of idled-well fees, as discussed below.

Idled-well fees. H.R. 2415 would direct DOI to collect annual fees for idled wells located on onshore federal land as follows:

- \$500 for each well considered idle for at least 1 year but less than 5 years,
- \$1,500 for each well considered idle for at least 5 years but less than 10 years,
- \$3,500 for each well considered idle for at least 10 years but less than 15 years, and
- \$7,500 for each well considered idle for at least 15 years.

Under the bill, a well would be considered idled if it has been nonoperational for at least two consecutive years and if there is no anticipated future beneficial use. Thus, a well that is considered idled for one year has been nonoperational for three years; a well that is considered idled for five years has been nonoperational for seven years; and so on. Fee collections are classified in the budget as offsetting receipts or reductions in direct spending.

According to DOI, roughly 6,300 onshore wells on federal land have been nonoperational for at least seven years. DOI does not collect data on wells that have been nonoperational for shorter periods, and CBO is unaware of any comprehensive source of information on such wells. CBO also cannot assess whether idled wells would have an anticipated future beneficial use. We expect that the count of idled wells will increase over time under current law, but that under the bill, some operators would plug and reclaim idled wells to avoid paying fees. Using information from DOI, CBO estimates that between 6,000 and 7,000 wells would be subject to fees annually under H.R. 2415. Receipts would total \$350 million over the 2022–2031 period, in CBO’s estimation. Most of that amount would come from wells considered idle for at least 15 years.

Spending of idled well fees: Under H.R. 2415, the Bureau of Land Management would be authorized to spend collections from idled-well fees without further appropriation for orphaned-well reclamation and related administration. Based on historical spending patterns for similar activities, CBO estimates that the agency would spend, on average, about \$28 million annually and \$280 million over the 2022–2031 period.

Revenues: Operators who fail to pay the fees would be subject to civil penalties, which are classified in the budget as revenues. How-

ever, CBO estimates that any penalties collected would be insignificant over the 2022–2031 period.

Uncertainty: CBO’s estimate of fee collections is uncertain; we cannot forecast with certainty the number of wells that would be subject to fees under H.R. 2415. The resulting direct spending also could differ from the estimate.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays that are subject to those pay-as-you-go procedures are shown in Table 3.

TABLE 3.—CBO’S ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS OF H.R. 2415, THE ORPHANED WELL CLEANUP AND JOBS ACT OF 2021, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON NATURAL RESOURCES ON MAY 26, 2021

	By fiscal year, millions of dollars—											
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2022–2026	2022–2031
	Net Decrease in the Deficit											
Pay-As-You-Go Effect	–25	–20	–10	–10	–5	0	0	0	0	0	–70	–70

Increase in long-term deficits: None.

Mandates: None.

Estimate prepared by: Federal Costs: Janani Shankaran; Mandates: Lilia Ledezma.

Estimate reviewed by: Susan Willie, Chief, Natural and Physical Resources Cost Estimates Unit, H. Samuel Papenfuss, Deputy Director of Budget Analysis; Theresa Gullo; Director of Budget Analysis.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to amend the Energy Policy Act of 2005 to require the Secretary of the Interior to establish a program to permanently plug, remediate, and reclaim orphaned wells and the surrounding lands and to provide funds to States and Tribal Governments to permanently plug, remediate, and reclaim orphaned wells and the surrounding lands.

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

According to CBO, this bill contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

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. The state and tribal grants that would have been established by this bill have now been enacted into law and are now listed in the most recent Catalog of Federal Domestic Assistance published pursuant to 31 U.S.C. §6104 as the Energy Community Revitalization Program (ECRP) (CFDA No. 15.018). The Catalog does not identify other programs as related to that listing.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act. The Committee finds that the legislation’s provisions relating to the terms and conditions of employment relate only to the wages paid in carrying out projects funded by the bill. Because the bill does not provide funding for projects to be carried out by the legislative branch, these provisions are inapplicable to it.

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 (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

ENERGY POLICY ACT OF 2005

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Energy Policy Act of 2005”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

* * * * *

Subtitle E—Production Incentives

* * * * *

[Sec. 349. Orphaned, abandoned, or idled wells on Federal land.]
Sec. 349. Orphaned well site plugging, remediation, and restoration.

* * * * *

TITLE III—OIL AND GAS

* * * * *

Subtitle E—Production Incentives

* * * * *

[SEC. 349. ORPHANED, ABANDONED, OR IDLED WELLS ON FEDERAL LAND.

[(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a program not later than 1 year after the date of enactment of this Act to remediate, reclaim, and close orphaned, abandoned, or idled oil and gas wells located on land administered by the land management agencies within the Department of the Interior and the Department of Agriculture.

[(b) ACTIVITIES.—The program under subsection (a) shall—

[(1) include a means of ranking orphaned, abandoned, or idled wells sites for priority in remediation, reclamation, and closure, based on public health and safety, potential environmental harm, and other land use priorities;

[(2) provide for identification and recovery of the costs of remediation, reclamation, and closure from persons or other entities currently providing a bond or other financial assurance required under State or Federal law for an oil or gas well that is orphaned, abandoned, or idled; and

[(3) provide for recovery from the persons or entities identified under paragraph (2), or their sureties or guarantors, of the costs of remediation, reclamation, and closure of such wells.

[(c) COOPERATION AND CONSULTATIONS.—In carrying out the program under subsection (a), the Secretary shall—

[(1) work cooperatively with the Secretary of Agriculture and the States within which Federal land is located; and

[(2) consult with the Secretary of Energy and the Interstate Oil and Gas Compact Commission.

[(d) PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Secretary of Agriculture, shall submit to Congress a plan for carrying out the program under subsection (a).

[(e) IDLED WELL.—For the purposes of this section, a well is idled if—

[(1) the well has been nonoperational for at least 7 years; and

[(2) there is no anticipated beneficial use for the well.

[(f) FEDERAL REIMBURSEMENT FOR ORPHANED WELL RECLAMATION PILOT PROGRAM.—

[(1) REIMBURSEMENT FOR REMEDIATING, RECLAIMING, AND CLOSING WELLS ON LAND SUBJECT TO A NEW LEASE.—The Secretary shall carry out a pilot program under which, in issuing a new oil and gas lease on federally owned land on which 1 or more orphaned wells are located, the Secretary—

[(A) may require, other than as a condition of the lease, that the lessee remediate, reclaim, and close in accordance with standards established by the Secretary, all orphaned wells on the land leased; and

[(B) shall develop a program to reimburse a lessee, through a royalty credit against the Federal share of royalties owed or other means, for the reasonable actual costs of remediating, reclaiming, and closing the orphaned wells pursuant to that requirement.

[(2) REIMBURSEMENT FOR RECLAIMING ORPHANED WELLS ON OTHER LAND.—In carrying out this subsection, the Secretary—

[(A) may authorize any lessee under an oil and gas lease on federally owned land to reclaim in accordance with the Secretary's standards—

[(i) an orphaned well on unleased federally owned land; or

[(ii) an orphaned well located on an existing lease on federally owned land for the reclamation of which the lessee is not legally responsible; and

[(B) shall develop a program to provide reimbursement of 100 percent of the reasonable actual costs of remediating, reclaiming, and closing the orphaned well, through credits against the Federal share of royalties or other means.

[(3) REGULATIONS.—The Secretary may issue such regulations as are appropriate to carry out this subsection.

[(g) TECHNICAL ASSISTANCE PROGRAM FOR NON-FEDERAL LAND.—

[(1) IN GENERAL.—The Secretary of Energy shall establish a program to provide technical and financial assistance to oil and gas producing States to facilitate State efforts over a 10-year period to ensure a practical and economical remedy for environmental problems caused by orphaned or abandoned oil and gas exploration or production well sites on State or private land.

[(2) ASSISTANCE.—The Secretary of Energy shall work with the States, through the Interstate Oil and Gas Compact Commission, to assist the States in quantifying and mitigating environmental risks of onshore orphaned or abandoned oil or gas wells on State and private land.

[(3) ACTIVITIES.—The program under paragraph (1) shall include—

[(A) mechanisms to facilitate identification, if feasible, of the persons currently providing a bond or other form of financial assurance required under State or Federal law for an oil or gas well that is orphaned or abandoned;

[(B) criteria for ranking orphaned or abandoned well sites based on factors such as public health and safety, potential environmental harm, and other land use priorities;

[(C) information and training programs on best practices for remediation of different types of sites; and

[(D) funding of State mitigation efforts on a cost-shared basis.

[(h) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2006 through 2010.

[(2) USE.—Of the amounts authorized under paragraph (1), \$5,000,000 are authorized for each fiscal year for activities under subsection (f).

[(i) FEDERALLY DRILLED WELLS.—Out of any amounts in the Treasury not otherwise appropriated, \$10,000,000 for fiscal year 2014, \$36,000,000 for fiscal year 2015, and \$4,000,000 for fiscal year 2019 shall be made available to the Secretary, without further appropriation and to remain available until expended, to reme-

diate, reclaim, and close abandoned oil and gas wells on current or former National Petroleum Reserve land.】

SEC. 349. ORPHANED WELL SITE PLUGGING, REMEDIATION, AND RESTORATION.

(a) **FEDERAL PROGRAM.**—

(1) **ESTABLISHMENT.**—*The Secretary, in cooperation with the Secretary of Agriculture and affected Indian Tribes, shall establish a program not later than 180 days after the date of enactment of this section to permanently plug orphaned wells and remediate and reclaim orphaned wells located on land administered by the land management agencies within the Department of the Interior and the Department of Agriculture.*

(2) **ACTIVITIES.**—*The program under paragraph (1) shall—*

(A) *include a means of identifying, characterizing, and inventorying orphaned wells on Federal lands and ranking orphaned wells for priority in permanent plugging, remediation, and reclamation, based on public health and safety, potential environmental harm, and other land use priorities;*

(B) *distribute funding according to the priorities identified under subparagraph (A) for—*

(i) *permanently plugging orphaned wells;*

(ii) *remediating and reclaiming well pads and access roads associated with orphaned wells;*

(iii) *remediating soil and restoring native species habitat that has been degraded due to the presence of orphaned wells; and*

(iv) *remediating lands, including access roads, adjacent to orphaned wells and decommissioning or removing pipelines, facilities, and infrastructure associated with the orphaned well;*

(C) *provide a public accounting of the costs of permanently plugging, remediating, and reclaiming each orphaned well;*

(D) *seek to determine the identities of potentially responsible parties associated with the orphaned well, or their sureties or guarantors, to the extent such information can be ascertained, and make efforts to obtain reimbursement for expenditures to the extent practicable;*

(E) *to the maximum extent possible, support research and development efforts aimed at investigating, measuring, and tracking emissions of methane and other gases associated with orphaned wells;*

(F) *measure and track contamination of groundwater or surface water associated with orphaned wells; and*

(G) *reduce the negative effects of orphaned wells on environmental justice communities.*

(3) **DEFINE ORPHANED WELL.**—*Not later than 180 days after the date of enactment of this section, the Secretary shall issue a final rule defining the term “orphaned well” as such term applies to Federal and Tribal land for the purposes of this section.*

(4) **IDLED WELLS.**—

(A) **IN GENERAL.**—*The Secretary, acting through the Director of the Bureau of Land Management, shall annually review all idled wells on Federal lands and take such*

measures as such Director determines appropriate to reduce such Director's idled well inventory.

(B) DEFINITION OF IDLED WELL.—Not later than 6 months after the date of enactment of this section, the Secretary, acting through the Director of the Bureau of Land Management, shall establish a definition for the term “idled well” for the purposes of this section.

(5) COOPERATION AND CONSULTATIONS.—In carrying out the program under paragraph (1), the Secretary shall—

(A) work cooperatively with the Secretary of Agriculture and the States within which Federal land is located; and

(B) consult with affected Indian Tribes, the Secretary of Energy, and the Interstate Oil and Gas Compact Commission.

(b) STATE ORPHANED WELL SITE PLUGGING, REMEDIATION, AND RESTORATION.—

(1) IN GENERAL.—

(A) ACTIVITIES.—The Secretary shall provide funding to States as described in this section for any of the following purposes:

(i) To permanently plug, remediate, and reclaim orphaned wells located on State- and privately-owned land.

(ii) To identify and characterize undocumented orphaned wells on State and private lands.

(iii) To rank orphaned wells on State and private lands based on factors including public health and safety, potential environmental harm, and other land use priorities.

(iv) To make information regarding the use of funds received under this subsection available on a public website.

(v) To measure and track emissions of methane and other gases associated with orphaned wells.

(vi) To measure and track contamination of groundwater or surface water associated with orphaned wells.

(vii) To remediate soil and restore native species habitat that have been degraded due to the presence of orphaned wells.

(viii) To remediate lands, including access roads, adjacent to orphaned wells and decommission or remove pipelines, facilities, and infrastructure associated with the orphaned well.

(ix) To take such measures as such State determines necessary to reduce the negative effects of orphaned wells on environmental justice communities.

(x) To administer a program to carry out activities described in clauses (i) through (ix).

(B) LIMITATION.—Except for funds received by a State under paragraph (2)(A)(ii), a State may not use more than 10 percent of the funds received under this section in any fiscal year for the purpose described in paragraph (1)(A)(x).

(2) INITIAL GRANTS.—

(A) IN GENERAL.—The Secretary shall distribute—

(i) not more than \$25,000,000 to each State that—

(I) is a Member State or Associate Member State of the Interstate Oil and Gas Compact Commission;

(II) requests funding under this clause not later than 6 months after the date of enactment of this section;

(III) has at least one documented orphaned well;

(IV) certifies to the Secretary that such State can use at least 90 percent of the requested funding to issue new contracts, amend existing contracts, or issue grants for permanent plugging, remediation, and reclamation work within 180 days of receipt of funds; and

(V) describes to the Secretary how funds received under this clause will employ individuals who have lost employment during the period beginning on March 1, 2020, and ending on the date on which such State requests funding under subclause (II); and

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

(I) requests funding under this clause;

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

(III) certifies to the Secretary that—

(aa) such State has a permanent plugging, remediation, and reclamation program for orphaned wells or the capacity to start such a program; or

(bb) such funds will be used to conduct the administrative work necessary to put together an application to receive funds under paragraph (3).

(B) *DISTRIBUTION.*—The Secretary shall disburse funds to a State under this subparagraph not later than 30 days after such State makes a certification to the Secretary that such State is eligible to receive such funds.

(C) *2 YEARS TO EXPEND FUNDS.*—

(i) *IN GENERAL.*—A State that receives funds under this paragraph shall reimburse the Secretary in an amount equal to the amount of any unobligated funds that remain 2 years after the date on which such State receives funds under this paragraph.

(ii) *USE OF REIMBURSED FUNDS.*—The Secretary may use funds reimbursed under this subparagraph to carry out any activity under subsection (a)(2).

(D) *REPORT.*—

(i) *IN GENERAL.*—Not later than 15 months after the date on which a State receives funds under this paragraph, such State shall submit a report to the Secretary detailing how the State adhered to the certifications required by subparagraph (A).

(ii) *PUBLIC ACCESS.*—The Secretary shall make available on a publicly accessible website each report submitted under clause (i).

(3) *FORMULA GRANTS.*—

(A) *FORMULA.*—

(i) *IN GENERAL.*—The Secretary shall establish a formula for the distribution of funds under this paragraph to the States described in clause (ii). Such formula, with respect to an applicant State, shall account for the following factors:

(I) The job losses in the oil and gas industry between March 1, 2020, and the date of enactment of this section.

(II) The number of documented orphaned wells and associated facilities and the projected cost to permanently plug and reclaim such wells.

(ii) *NOTIFICATION.*—A State is described in this clause if, not later than 45 days after the date of enactment of this section, such State submits a notice to the Secretary that such State intends to submit an application under subparagraph (B) and includes in such notification the information described in subclauses (I) through (II) of clause (i) with respect to such State.

(iii) *PUBLICATION.*—The Secretary shall, not later than 30 days after the date described in clause (ii), publish on a public website the amount that each State described in clause (ii) is eligible to receive under the formula established under clause (i).

(B) *APPLICATION.*—A State may apply to receive funds under this paragraph by submitting an application including—

(i) a description of—

(I) the State program for orphaned well permanent plugging, remediation, and restoration, including legal authorities, processes used to identify and prioritize orphaned wells, procurement mechanisms, and other program elements demonstrating the readiness of the State program to carry out the proposed activities;

(II) the activities to be carried out with the grant, including an identification of the estimated health, safety, habitat, and environmental benefits of permanent plugging, remediating, or reclaiming the orphaned wells; and

(III) how the information regarding the State's activities under this subsection will be made available on a public website;

(ii) an estimate of—

(I) the number of orphaned wells that will be permanently plugged, remediated, or reclaimed;

(II) the projected cost of permanently plugging, remediating, or reclaiming orphaned wells, adjacent lands, and access roads;

(III) the amount of that cost that will be offset by the forfeiture of financial assurance instruments, the estimated salvage of well-site equipment, or other proceeds from the orphaned wells and adjacent lands;

(IV) the number of jobs that will be created or saved through the activities to be funded under this subsection; and

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

(iii) a certification that any financial assurance instruments, including bonds, available to cover permanent plugging, remediation, or reclamation costs will be used by the State; and

(iv) the definitions and processes used by the State to formally declare a well orphaned or, if the State uses different terminology, otherwise eligible for permanent plugging, remediation, and reclamation by the State, including the steps the State has taken to identify the well's most recent operator.

(C) REVIEW OF STATE DEFINITIONS AND PROCESSES.—The Secretary may only distribute funds to a State under this paragraph if the Secretary determines that—

(i) such State has taken appropriate steps to protect taxpayers from unnecessarily paying for permanent plugging, remediation, and reclamation costs;

(ii) the processes of such State for declaring a well eligible for permanent plugging by the State are reasonable; and

(iii) the definition provided by the State for the term “orphaned well” (or an alternate term, if applicable), if such term differs from the definition given such term in subsection (i)(5)(A)(ii), is reasonable.

(D) 5 YEARS TO EXPEND FUNDS.—A State that receives funds under this paragraph shall reimburse the Secretary in an amount equal to the amount of any unobligated funds that remain 5 years after the date on which such State receives funds under this paragraph.

(E) CONSULTATION.—In making a determination under this paragraph regarding the eligibility of a State to receive funds, the Secretary shall consult with the Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Interstate Oil and Gas Compact Commission.

(F) CONSIDERATION TIMELINE.—Not later than 60 days after receiving a completed application that meets the requirements of this section from a State under this paragraph, the Secretary shall issue a grant to such State.

(4) DISCRETIONARY GRANTS.—

(A) IN GENERAL.—

(i) REGULATORY IMPROVEMENT GRANT.—

(I) IN GENERAL.—Beginning on the date that is 6 months after the date on which the first grant is issued under paragraph (2), the Secretary may provide funding in an amount not to exceed \$20,000,000 per grant to a State if the State meets one of the following criteria:

(aa) The State—

(AA) requires, or will require by the date that is not later than five years after the date of enactment of the Orphaned

Well Cleanup and Jobs Act of 2021, the operator of each well subject to regulation by the State to capture (which such term means the physical containment of gas for transportation to market or productive use, including reinjection and other on-site uses) at least 98 percent of all gas produced each year from each such well; and

(BB) prohibits, or will prohibit by the date that is not later than five years after the date of enactment of the Orphaned Well Cleanup and Jobs Act of 2021, venting and flaring of gas produced from each such well, except in the case of emergencies or equipment failures as defined under the applicable law of such State.

(bb) During the period of 10 years that precedes the date on which the State applies for a grant under this paragraph, the State strengthened its plugging standards and procedures to ensure that wells located in the State are plugged in an effective manner that protects groundwater and other natural resources, public health and safety, and the environment.

(cc) The State has made improvements to State programs designed to prevent future orphaned well burdens, such as bonding reform or other financial assurance reform, alternative funding mechanisms for orphaned well programs, and reforms to well transfer and temporary abandonment programs in the 10 years preceding the date that the States applies for a grant under this paragraph.

(II) LIMITATION.—The Secretary may only issue one grant per criterion per State under this clause.

(ii) MATCHING GRANT.—

(I) IN GENERAL.—Beginning on the date that is 6 months after the date on which the first grant is issued under paragraph (2), the Secretary may provide funding to a State in an amount equal to the difference between—

(aa) the amount of funds such State expended on average in fiscal years 2010 through 2019 to permanently plug, remediate, and reclaim orphaned wells and associated facilities; and

(bb) the amount of funds such State certifies to the Secretary such State will expend for such purposes in the fiscal year in which such State will receive such grant.

(II) ANNUAL GRANT.—The Secretary may issue one grant per State per fiscal year under this clause.

(III) *LIMITATION ON TOTAL FUNDS PROVIDED TO A STATE.*—The Secretary may not provide a total of more than \$30,000,000 to a State under this clause during the period of fiscal years 2021 through 2031.

(B) *APPLICATION.*—

(i) *IN GENERAL.*—A State may apply to receive funds under this paragraph by submitting an application including—

(I) each of the elements required in an application under paragraph (3)(B);

(II) a description of measures such State has taken to address orphaned wells, including by increasing State spending on well permanent plugging, remediation, and reclamation and by improving regulation of oil and gas wells; and

(III) a description of how such State will use such funds to—

(aa) lower unemployment in such State; and

(bb) improve economic conditions in economically distressed areas of such State.

(ii) *CONSULTATION.*—In making a determination to issue a grant under this paragraph, the Secretary shall consult with the Administrator of the Environmental Protection Agency and the Secretary of Energy.

(iii) *REIMBURSEMENT FOR FAILURE TO MAINTAIN PROTECTIONS.*—A State that receives funds under this paragraph shall reimburse the Secretary any funds received if, during the 10 year period beginning on the date of receipt of funds under this paragraph, such State enacts a statute or regulation that, if such statute or regulation were in effect when the State submitted an application under this paragraph, would have prevented such State from being eligible to receive funds under subparagraph (A)(i)(I).

(iv) *CONSIDERATION TIMELINE.*—Not later than 60 days after receiving an application from an eligible State under this paragraph, the Secretary shall make a grant or reject such application.

(5) *STATE REPORT.*—

(A) *IN GENERAL.*—Each State that receives funding under this subsection shall submit a report to the Secretary each year that provides—

(i) the number of orphaned wells that have been permanently plugged, remediated, or reclaimed;

(ii) the cost of permanently plugging, remediating, or reclaiming orphaned wells, adjacent lands, and access roads;

(iii) the amount of that cost offset by the forfeiture of financial assurance instruments, the salvage of well-site equipment, or other proceeds from the orphaned wells;

(iv) an estimate of the number of jobs created or saved through the activities funded under this subsection;

- (v) the funds spent on administrative costs;
- (vi) a description of how the State is working to decrease the effects of orphaned wells on environmental justice communities; and
- (vii) survey results from State efforts to identify undocumented orphaned wells.

(B) *PUBLIC ACCESS.*—The Secretary shall make available on a publicly accessible website each report submitted under subparagraph (A).

(c) *TRIBAL ORPHANED WELL SITE PLUGGING, REMEDIATION, AND RESTORATION.*—

(1) *ESTABLISHMENT.*—The Secretary shall establish a program in the Bureau of Indian Affairs to provide grants to Indian Tribes for the purposes described in paragraph (2).

(2) *ACTIVITIES.*—The purposes described in this paragraph are to—

(A) permanently plug, remediate, and reclaim orphaned wells on Tribal land;

(B) remediate soil and restore native species habitat that has been degraded due to the presence of orphaned wells on Tribal land;

(C) remediate lands, including access roads, adjacent to orphaned wells and decommission or remove pipelines, facilities, and infrastructure associated with the orphaned well on Tribal lands;

(D) provide an online public accounting of the cost of permanent plugging, remediation, and reclamation for each orphaned well site on Tribal land, excluding confidential or sensitive Tribal trust or business information (as determined by the Secretary);

(E) identify and characterize undocumented orphaned wells on Tribal land; and

(F) administer a Tribal program to carry out activities described in subparagraphs (A) through (E).

(3) *CONSIDERATIONS.*—In making a determination to issue a grant under this subsection, the Secretary shall take into account the number of documented orphaned wells on the land of the Indian Tribe and the projected cost to permanently plug and reclaim such wells.

(4) *APPLICATION.*—An Indian Tribe may apply to receive funds under this paragraph by submitting an application that includes—

(A) a description of—

(i) the Tribal program for orphaned well permanent plugging, remediation, and restoration, including legal authorities, processes used to identify and prioritize orphaned wells, procurement mechanisms, and other program elements demonstrating the readiness of the Tribal program to carry out the proposed activities; and

(ii) the activities to be carried out with the grant, including an identification of the estimated health, safety, and habitat, and environmental benefits of permanently plugging, remediating, or reclaiming the orphaned wells, adjacent lands, and access roads; and

(B) an estimate of—

(i) the number of orphaned wells that will be permanently plugged, remediated, or reclaimed; and

(ii) the projected costs of permanently plugging, remediating, or reclaiming the orphaned wells and any adjacent lands or access roads.

(5) *LIMITATION.*—An Indian Tribe may not use more than 15 percent of the funds received under this subsection in a fiscal year for the purposes described in paragraph (2)(F).

(6) *CONSIDERATION TIMELINE.*—The Secretary shall issue or deny a grant under this subsection not later than 60 days after the date of receipt of the complete application under paragraph (4).

(7) *8 YEARS TO EXPEND FUNDS.*—An Indian Tribe that receives funds under this subsection shall reimburse the Secretary in an amount equal to the amount of any unobligated funds that remain 8 years after the date on which such Indian Tribe receives funds under this subsection.

(8) *DEFERRAL OF PLUGGING AND REMEDIATION.*—An Indian Tribe with an orphaned well within such Indian Tribe's jurisdiction may request that the Secretary administer and carry out permanent plugging, remediation, and reclamation work with respect to such orphaned well. For the purposes of subsection (a), any orphaned well with respect to which the Indian Tribe with jurisdiction has made such a request shall be treated as if such orphaned well is on land administered by a land management agency within the Department of the Interior.

(d) *TECHNICAL ASSISTANCE.*—The Secretary of Energy, in cooperation with the Secretary and the Interstate Oil and Gas Compact Commission, shall provide technical assistance to Federal land management agencies and oil and gas producing States and Indian Tribes to ensure practical and economical remedies are used to address environmental problems caused by orphaned wells on Federal, State, Tribal, or private land, including the sharing of best practices in the management of oil and gas well inventories to ensure the availability of funds to permanently plug, remediate, and restore oil and gas well sites when operations cease.

(e) *REPORT TO CONGRESS.*—Not later than 1 year after the date of enactment of this section, and every year thereafter, the Secretary shall submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and to the Committees on Appropriations and Natural Resources of the House of Representatives a report on the program established and grants awarded under this section, including—

(1) an updated inventory of—

(A) orphaned wells on Federal, Tribal, State, and private land; and

(B) wells at-risk of becoming orphaned on Federal, Tribal, State, and private land;

(2) to the maximum extent practical, an estimate of—

(A) the amount of methane and other gasses emitted from orphaned wells; and

(B) the amount of emissions reduced as a result of permanently plugging and reclaiming orphaned wells;

(3) *the number of jobs created and saved through the permanent plugging, remediation, and reclamation of orphaned wells; and*

(4) *the acreage of habitat restored using grants awarded to permanently plug, remediate, and reclaim orphaned wells and adjacent lands, including access roads, and a description of how such land is likely to be used in the future.*

(f) **IDLED WELL FEES.**—

(1) **IN GENERAL.**—*The Secretary shall, not later than 180 days after the date of enactment of this section, issue regulations to require each operator of an idled well on Federal land to pay an annual, nonrefundable fee for each such idled well in accordance with this subsection.*

(2) **AMOUNTS.**—*Except as provided in paragraph (5), the amount of the fee shall be as follows:*

(A) *\$500 for each well that has been considered an idled well for at least 1 year, but not more than 5 years.*

(B) *\$1,500 for each well that has been considered an idled well for at least 5 years, but not more than 10 years.*

(C) *\$3,500 for each well that has been considered an idled well for at least 10 years, but not more than 15 years.*

(D) *\$7,500 for each well that has been considered an idled well for at least 15 years.*

(3) **DUE DATE.**—*An owner of an idled well that is required to pay a fee under this subsection shall submit to the Secretary such fee by not later than May 1 of each year.*

(4) **CIVIL PENALTY.**—*If the operator of a idled well fails to pay the full amount of a fee under this subsection, the Secretary may assess a civil penalty against the operator under section 109 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1719) as if such failure to pay were a violation under such section.*

(5) **ADJUSTMENT FOR INFLATION.**—*The Secretary shall, by regulation not less than once every 4 years, adjust each fee under this subsection to account for inflation based on the Consumer Price Index for All Urban Consumers (as published by the Bureau of Labor Statistics of the Department of Labor).*

(6) **USE OF FEES.**—*The Secretary, acting through the Director of the Bureau of Land Management, shall use any fees collected under this subsection for the following purposes:*

(A) *50 percent of such amounts shall be used for—*

(i) *inventorying and tracking orphaned wells on Federal lands;*

(ii) *permanently plugging orphaned wells on Federal lands;*

(iii) *remediating and reclaiming well pads and access roads associated with orphaned wells on Federal lands;*

(iv) *remediating soil and restoring native species habitat that have been degraded due to the presence of orphaned wells on Federal land; and*

(v) *remediating lands, including access roads, adjacent to orphaned wells and decommissioning or removing pipelines, facilities, and infrastructure associated with orphaned wells.*

(B) 50 percent of such amounts shall be used to carry out part 3163 of title 43, Code of Federal Regulations (or any successor regulation).

(g) SAVINGS CLAUSES AND PREVAILING WAGE REQUIREMENTS.—

(1) NO EXPANSION OF LIABILITY.—Nothing in this section establishes or expands the responsibility or liability of any entity with respect to permanently plugging a well or remediating or reclaiming a well site.

(2) PREVAILING WAGE.—Any entity carrying out a project authorized by this section shall be required to pay prevailing wages in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the Davis-Bacon Act).

(3) TRIBAL LAND.—Nothing in this section may be construed to relieve the Secretary of any obligation imposed by section 3 of the Act of May 11, 1938 (25 U.S.C. 396c), or to absolve the United States from any responsibility to an Indian Tribe, including those which derive from the trust relationship or from any treaties, statutes, Executive orders, or agreements between the United States and an Indian Tribe, to permanently plug, remediate, or reclaim orphaned wells located on Tribal lands.

(4) OWNER OR OPERATOR NOT ABSOLVED.—Nothing in this section may be construed to absolve the owner or operator of an oil or gas well of potential liability for reimbursement of permanent plugging and reclamation costs or adverse effects on the environment.

(h) AMERICAN IRON, STEEL, AND MANUFACTURED PRODUCTS.—

(1) DEFINITIONS.—In this subsection:

(A) IRON OR STEEL MANUFACTURED PRODUCT.—The term “iron or steel manufactured product” includes any construction material or end product (as those terms are defined in subpart 25.003 of the Federal Acquisition Regulation) that does not otherwise qualify as an iron or steel product, including—

(i) an electrical component;

(ii) a non-ferrous building material, including—

(I) aluminum and polyvinylchloride;

(II) glass;

(III) fiber optics;

(IV) plastic;

(V) wood;

(VI) masonry;

(VII) rubber;

(VIII) manufactured stone; and

(IX) any other non-ferrous metals; and

(iii) an unmanufactured construction material.

(B) PRODUCED IN THE UNITED STATES.—

(i) IN GENERAL.—The term “produced in the United States”—

(I) with respect to an iron or steel product or an iron or steel manufactured product, means that all manufacturing processes for, and materials and components of, the iron or steel product or iron or steel manufactured product, from the initial melt-

ing stage through the application of coatings, occurred in the United States; and

(II) with respect to an iron or steel manufactured product, means that—

(aa) the iron or steel manufactured product was manufactured in the United States; and

(bb) the cost of the components of the iron or steel manufactured product that were mined, produced, or manufactured in the United States is greater than 60 percent of the total cost of the components of the iron or steel manufactured product.

(ii) *EXCLUSIONS.*—The term “produced in the United States”, with respect to an iron or steel product or iron or steel manufactured product, does not include an iron or steel product or an iron or steel manufactured product the materials and components of which were manufactured—

(I) abroad from semi-finished steel or iron from the United States; or

(II) in the United States from semi-finished steel or iron of foreign origin.

(2) *REQUIREMENT.*—Funds made available under this section may not be used for an orphaned well plugging or remediation project unless all of the iron and steel products and steel manufactured products used in the project are produced in the United States.

(3) *WAIVER.*—

(A) *IN GENERAL.*—On request of the recipient of a grant under this section, the Secretary may grant for the project of the recipient of the grant a waiver of the requirement described in paragraph (2) if the Secretary finds that—

(i) the application of paragraph (2) would be inconsistent with the public interest;

(ii) iron or steel products or iron or steel manufactured products are not produced in the United States—

(I) in sufficient and reasonably available quantities; or

(II) of a satisfactory quality; or

(iii) the inclusion of iron or steel products or iron or steel manufactured products in the United States would increase the cost of the overall project by greater than 25 percent.

(B) *PUBLIC NOTICE.*—On receipt of a request for a waiver under subparagraph (A), the Secretary shall—

(i) make available to the public, including by electronic means, including on the official public website of the Department, on an informal basis, a copy of the request and all information available to the Secretary relating to the request; and

(ii) provide for informal public input on the request for a period of not fewer than 15 days before making with respect to the request the finding described in subparagraph (A).

(i) *DEFINITIONS.*—In this section:

(1) *ENVIRONMENTAL JUSTICE COMMUNITY*.—The term “environmental justice community” means any community with significant representation of communities of color, low-income communities, or Tribal and indigenous communities, that experiences, or is at risk of experiencing higher or more adverse human health or environmental effects.

(2) *IDLED WELL*.—The term “idled well”—

(A) if the Secretary has not established a definition under subsection (a)(4)(B), means a well that has been non-operational for at least two consecutive years for which there is no anticipated beneficial future use; or

(B) has the meaning given to such term by the Secretary under subsection (a)(4)(B).

(3) *INDIAN TRIBE*.—The term “Indian Tribe” means the governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation individually identified (including parenthetically) in the most recent list published pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(4) *OPERATOR*.—The term “operator” means, with respect to an oil or gas operation, any entity, including the lessee or operating rights owner, who has stated in writing to a relevant authority that such entity is responsible for such operation or a portion thereof.

(5) *ORPHANED WELL*.—The term “orphaned well”—

(A) with respect to Federal and Tribal land—

(i) has the meaning given to such term by the Secretary under subsection (a)(3); or

(ii) if the Secretary has not defined the term under such subsection, means a well that is not being used for authorized purposes such as production, injection, or monitoring and for which either no operator can be found or the operator is unable to permanently plug the well and remediate and reclaim the well site; and

(B) with respect to State or private land—

(i) has the meaning given to such term by such State if the Secretary determines under subsection (b)(3)(C)(iii) that such definition is reasonable; or

(ii) has the meaning given in subparagraph (A).

(6) *TRIBAL LAND*.—The term “Tribal land” means any land or minerals, or interests in land or minerals, owned by any Indian Tribe, the title to which is held in trust by the United States, or is subject to a restriction against alienation under the laws of the United States.

(j) *AUTHORIZATION OF APPROPRIATIONS*.—There are authorized to be appropriated for fiscal year 2021, to remain available until September 30, 2031—

(1) to the Secretary—

(A) \$400,000,000 to carry out the program under subsection (a);

(B) \$1,500,000,000—

(i) to provide grants under paragraph (2) of subsection (b); and

(ii) to provide, beginning on the date that is 18 months after amounts are made available to carry out this section, grants under paragraph (4) of such subsection;

(C) \$3,500,000,000 to provide grants under paragraph (3) of such subsection;

(D) \$2,250,000,000 to provide grants under paragraph (4) of such subsection; and

(E) \$300,000,000 to carry out subsection (c);

(2) to the Secretary of Energy, \$48,000,000 to conduct research and development activities in cooperation with the Interstate Oil and Gas Compact Commission to assist the Federal land management agencies, States, and Indian Tribes in identifying and characterizing undocumented orphaned wells and mitigating the environmental risks of undocumented orphaned wells; and

(3) to the Interstate Oil and Gas Compact Commission, \$2,000,000 to carry out this section.

* * * * *

MINERAL LEASING ACT

* * * * *

SEC. 17. (a) All lands subject to disposition under this Act which are known or believed to contain oil or gas deposits may be leased by the Secretary.

(b)(1)(A) All lands to be leased which are not subject to leasing under paragraphs (2) and (3) of this subsection shall be leased as provided in this paragraph to the highest responsible qualified bidder by competitive bidding under general regulations in units of not more than 2,560 acres, except in Alaska, where units shall be not more than 5,760 acres. Such units shall be as nearly compact as possible. Lease sales shall be conducted by oral bidding, except as provided in subparagraph (C). Lease sales shall be held for each State where eligible lands are available at least quarterly and more frequently if the Secretary of the Interior determines such sales are necessary. A lease shall be conditioned upon the payment of a royalty at a rate of not less than 12.5 percent in amount or value of the production removed or sold from the lease. The Secretary shall accept the highest bid from a responsible qualified bidder which is equal to or greater than the national minimum acceptable bid, without evaluation of the value of the lands proposed for lease. Leases shall be issued within 60 days following payment by the successful bidder of the remainder of the bonus bid, if any, and the annual rental for the first lease year. All bids for less than the national minimum acceptable bid shall be rejected. Lands for which no bids are received or for which the highest bid is less than the national minimum acceptable bid shall be offered promptly within 30 days for leasing under subsection (c) of this section and shall remain available for leasing for a period of 2 years after the competitive lease sale.

(B) The national minimum acceptable bid shall be \$2 per acre for a period of 2 years from the date of enactment of the Federal Onshore Oil and Gas Leasing Reform Act of 1987. Thereafter, the Sec-

retary, subject to paragraph (2)(B), may establish by regulation a higher national minimum acceptable bid for all leases based upon a finding that such action is necessary: (i) to enhance financial returns to the United States; and (ii) to promote more efficient management of oil and gas resources on Federal lands. Ninety days before the Secretary makes any change in the national minimum acceptable bid, the Secretary shall notify the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The proposal or promulgation of any regulation to establish a national minimum acceptable bid shall not be considered a major Federal action subject to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969.

(C) In order to diversify and expand the Nation's onshore leasing program to ensure the best return to the Federal taxpayer, reduce fraud, and secure the leasing process, the Secretary may conduct onshore lease sales through Internet-based bidding methods. Each individual Internet-based lease sale shall conclude within 7 days.

(2)(A)(i) If the lands to be leased are within a special tar sand area, they shall be leased to the highest responsible qualified bidder by competitive bidding under general regulations in units of not more than 5,760 acres, which shall be as nearly compact as possible, upon the payment by the lessee of such bonus as may be accepted by the Secretary.

(ii) Royalty shall be 12½ per centum in amount of value of production removed or sold from the lease subject to section 17(k)(1)(c).

(iii) The Secretary may lease such additional lands in special tar sand areas as may be required in support of any operations necessary for the recovery of tar sands.

(iv) No lease issued under this paragraph shall be included in any chargeability limitation associated with oil and gas leases.

(B) For any area that contains any combination of tar sand and oil or gas (or both), the Secretary may issue under this Act, separately—

(i) a lease for exploration for and extraction of tar sand; and

(ii) a lease for exploration for and development of oil and gas.

(C) A lease issued for tar sand shall be issued using the same bidding process, annual rental, and posting period as a lease issued for oil and gas, except that the minimum acceptable bid required for a lease issued for tar sand shall be \$2 per acre.

(D) The Secretary may waive, suspend, or alter any requirement under section 26 that a permittee under a permit authorizing prospecting for tar sand must exercise due diligence, to promote any resource covered by a combined hydrocarbon lease.

(3)(A) If the United States held a vested future interest in a mineral estate that, immediately prior to becoming a vested present interest, was subject to a lease under which oil or gas was being produced, or had a well capable of producing, in paying quantities at an annual average production volume per well per day of either not more than 15 barrels per day of oil or condensate, or not more than 60,000 cubic feet of gas, the holder of the lease may elect to continue the lease as a noncompetitive lease under subsection (c)(1).

(B) An election under this paragraph is effective—

(i) in the case of an interest which vested after January 1, 1990, and on or before the date of enactment of this paragraph, if the election is made before the date that is 1 year after the date of enactment of this paragraph;

(ii) in the case of an interest which vests within 1 year after the date of enactment of this paragraph, if the election is made before the date that is 2 years after the date of enactment of this paragraph; and

(iii) in any case other than those described in clause (i) or (ii), if the election is made prior to the interest becoming a vested present interest.

(C) Notwithstanding the consent requirement referenced in section 3 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352), the Secretary shall issue a noncompetitive lease under subsection (c)(1) to a holder who makes an election under subparagraph (A) and who is qualified to hold a lease under this Act. Such lease shall be subject to all terms and conditions under this Act that are applicable to leases issued under subsection (c)(1).

(D) A lease issued pursuant to this paragraph shall continue so long as oil or gas continues to be produced in paying quantities.

(E) This paragraph shall apply only to those lands under the administration of the Secretary of Agriculture where the United States acquired an interest in such lands pursuant to the Act of March 1, 1911 (36 Stat. 961 and following).

(c)(1) If the lands to be leased are not leased under subsection (b)(1) of this section or are not subject to competitive leasing under subsection (b)(2) of this section, the person first making application for the lease who is qualified to hold a lease under this Act shall be entitled to a lease of such lands without competitive bidding, upon payment of a non-refundable application fee of at least \$75. A lease under this subsection shall be conditioned upon the payment of a royalty at a rate of 12.5 percent in amount or value of the production removed or sold from the lease. Leases shall be issued within 60 days of the date on which the Secretary identifies the first responsible qualified applicant.

(2)(A) Lands (i) which were posted for sale under subsection (b)(1) of this section but for which no bids were received or for which the highest bid was less than the national minimum acceptable bid and (ii) for which, at the end of the period referred to in subsection (b)(1) of this section no lease has been issued and no lease application is pending under paragraph (1) of this subsection, shall again be available for leasing only in accordance with subsection (b)(1) of this section.

(B) The land in any lease which is issued under paragraph (1) of this subsection or under subsection (b)(1) of this section which lease terminates, expires, is cancelled or is relinquished shall again be available for leasing only in accordance with subsection (b)(1) of this section.

(d) All leases issued under this section, as amended by the Federal Onshore Oil and Gas Leasing Reform Act of 1987, shall be conditioned upon payment by the lessee of a rental of not less than \$1.50 per acre per year for the first through fifth years of the lease and not less than \$2 per acre per year for each year thereafter. A minimum royalty in lieu of rental of not less than the rental which otherwise would be required for that lease year shall be payable at

the expiration of each lease year beginning on or after a discovery of oil or gas in paying quantities on the lands leased.

(e) Competitive and noncompetitive leases issued under this section shall be for a primary term of 10 years: *Provided, however,* That competitive leases issued in special tar sand areas shall also be for a primary term of ten years. Each such lease shall continue so long after its primary term as oil or gas is produced in paying quantities. Any lease issued under this section for land on which, or for which under an approved cooperative or unit plan of development or operation, actual drilling operations were commenced prior to the end of its primary term and are being diligently prosecuted at that time shall be extended for two years and so long thereafter as oil or gas is produced in paying quantities.

(f) At least 45 days before offering lands for lease under this section, and at least 30 days before approving applications for permits to drill under the provisions of a lease or substantially modifying the terms of any lease issued under this section, the Secretary shall provide notice of the proposed action. Such notice shall be posted in the appropriate local office of the leasing and land management agencies. Such notice shall include the terms or modified lease terms and maps or a narrative description of the affected lands. Where the inclusion of maps in such notice is not practicable, maps of the affected lands shall be made available to the public for review. Such maps shall show the location of all tracts to be leased, and of all leases already issued in the general area. The requirements of this subsection are in addition to any public notice required by other law.

(g) The Secretary of the Interior, or for National Forest lands, the Secretary of Agriculture, shall regulate all surface-disturbing activities conducted pursuant to any lease issued under this Act, and shall determine reclamation and other actions as required in the interest of conservation of surface resources. No permit to drill on an oil and gas lease issued under this Act may be granted without the analysis and approval by the Secretary concerned of a plan of operations covering proposed surface-disturbing activities within the lease area. The Secretary concerned shall, by rule or regulation, establish such standards as may be necessary to ensure that an adequate bond, surety, or other financial arrangement will be established prior to the commencement of surface-disturbing activities on any lease, to ensure the complete and timely reclamation of the lease tract, and the restoration of any lands or surface waters adversely affected by lease operations after the abandonment or cessation of oil and gas operations on the lease. *The Secretary concerned shall review the adequacy of each such bond, surety, or other financial arrangement anytime a lease issued under this section is transferred. Each such bond, surety, or other financial arrangement shall be considered inadequate if such bond, surety, or other financial arrangement is for less than \$150,000 in the case of an arrangement for an individual surface-disturbing activity of each entity on an individual oil or gas lease in a State, or \$500,000 in the case of an arrangement for all surface-disturbing activities of each entity on all oil and gas leases in a State.* The Secretary shall not issue a lease or leases or approve the assignment of any lease or leases under the terms of this section to any person, association, corporation, or any subsidiary, affiliate, or person con-

trolled by or under common control with such person, association, or corporation, during any period in which, as determined by the Secretary of the Interior or Secretary of Agriculture, such entity has failed or refused to comply in any material respect with the reclamation requirements and other standards established under this section for any prior lease to which such requirements and standards applied. Prior to making such determination with respect to any such entity the concerned Secretary shall provide such entity with adequate notification and an opportunity to comply with such reclamation requirements and other standards and shall consider whether any administrative or judicial appeal is pending. Once the entity has complied with the reclamation requirement or other standard concerned an oil or gas lease may be issued to such entity under this Act.

(h) The Secretary of the Interior may not issue any lease on National Forest System Lands reserved from the public domain over the objection of the Secretary of Agriculture.

(i) No lease issued under this section which is subject to termination because of cessation of production shall be terminated for this cause so long as reworking or drilling operations which were commenced on the land prior to or within sixty days after cessation of production are conducted thereon with reasonable diligence, or so long as oil or gas is produced in paying quantities as a result of such operations. No lease issued under this section shall expire because operations or production is suspended under any order, or with the consent, of the Secretary. No lease issued under this section covering lands on which there is a well capable of producing oil or gas in paying quantities shall expire because the lessee fails to produce the same unless the lessee is allowed a reasonable time, which shall be not less than sixty days after notice by registered or certified mail, within which to place such well in producing status or unless, after such status is established, production is discontinued on the leased premises without permission granted by the Secretary under the provisions of this Act.

(j) Whenever it appears to the Secretary that lands owned by the United States are being drained of oil or gas by wells drilled on adjacent lands, he may negotiate agreements whereby the United States, or the United States and its lessees, shall be compensated for such drainage. Such agreements shall be made with the consent of the lessees, if any, affected thereby. If such agreement is entered into, the primary term of any lease for which compensatory royalty is being paid, or any extension of such primary term, shall be extended for the period during which such compensatory royalty is paid and for a period of one year from discontinuance of such payment and so long thereafter as oil or gas is produced in paying quantities.

(k) If, during the primary term or any extended term of any lease issued under this section, a verified statement is filed by any mining claimant pursuant to subsection (c) of section 7 of the Multiple Mineral Development Act of August 13, 1954 (68 Stat. 708), as amended (30 U.S.C. 527), whether such filing occur prior to enactment of the Mineral Leasing Act Revision of 1960 or thereafter, asserting the existence of a conflicting unpatented mining claim or claims upon which diligent work is being prosecuted as to any lands covered by the lease, the running of time under such lease

shall be suspended as to the lands involved from the first day of the month following the filing of such verified statement until a final decision is rendered in the matter.

(l) The Secretary of the Interior shall, upon timely application therefor, issue a new lease in exchange for any lease issued for a term of twenty years, or any renewal thereof, or any lease issued prior to August 8, 1946, in exchange for a twenty-year lease, such new lease to be for a primary term of five years and so long thereafter as oil or gas is produced in paying quantities and at a royalty rate of not less than 12½ per centum in amount of value of the production removed or sold from such leases, except that the royalty rate shall be 12½ per centum in amount or value of the production removed or sold from said leases as to (1) such leases, or such parts of the lands subject thereto and the deposits underlying the same, as are not believed to be within the productive limits of any producing oil or gas deposit, as such productive limits are found by the Secretary to have existed on August 8, 1946; and (2) any production on a lease from an oil or gas deposit which was discovered after May 27, 1941, by a well or wells drilled within the boundaries of the lease, and which is determined by the Secretary to be a new deposit; and (3) any production on or allocated to a lease pursuant to an approved cooperative or unit plan of development or operation from an oil or gas deposit which was discovered after May 27, 1941, on land committed to such plan, and which is determined by the Secretary to be a new deposit, where such lease, or a lease for which it is exchanged, was included in such plan at the time of discovery or was included in a duly executed and filed application for the approval of such plan at the time of discovery.

(m) For the purpose of more properly conserving the natural resources of any oil or gas pool, field, or like area, or any part thereof (whether or not any part of said oil or gas pool, field, or like area, is then subject to any cooperative or unit plan of development or operation), lessees thereof and their representatives may unite with each other, or jointly or separately with others, in collective adopting and operating under a cooperative or unit plan of development or operation of such pool, field, or like area, or any part thereof, whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest. The Secretary is thereunto authorized, in his discretion, with the consent of the holders of leases involved, to establish, alter, change, or revoke drilling, producing, rental, minimum royalty, and royalty requirements of such leases and to make such regulations with reference to such leases, with like consent on the part of the lessees, in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure the proper protection of the public interest. The Secretary may provide that oil and gas leases hereafter issued under this Act shall contain a provision requiring the lessee to operate under such a reasonable cooperative or unit plan, and he may prescribe such a plan under which such lessee shall operate, which shall adequately protect the rights of all parties in interest, including the United States.

Any plan authorized by the preceding paragraph which includes lands owned by the United States may, in the discretion of the Secretary, contain a provision whereby authority is vested in the Sec-

retary of the Interior, or any such person, committee, or State or Federal officer or agency as may be designated in the plan, to alter or modify from time to time the rate of prospecting and development and the quantity and rate of production under such plan. All leases operated under any such plan approved or prescribed by the Secretary shall be excepted in determining holdings or control under the provisions of any section of this Act.

When separate tracts cannot be independently developed and operated in conformity with an established well-spacing or development program, any lease, or a portion thereof, may be pooled with other lands, whether or not owned by the United States, under a communitization or drilling agreement providing for an apportionment of production or royalties among the separate tracts of land comprising the drilling or spacing unit when determined by the Secretary of the Interior to be in the public interest, and operations or production pursuant to such an agreement shall be deemed to be operations or production as to each such lease committed thereto.

Any lease issued for a term of twenty years, or any renewal thereof, or any portion of such lease that has become the subject of a cooperative or unit plan of development or operation of a pool, field, or like area, which plan has the approval of the Secretary of the Interior, shall continue in force until the termination of such plan. Any other lease issued under any section of this Act which has heretofore or may hereafter be committed to any such plan that contains a general provision for allocation of oil or gas shall continue in force and effect as to the land committed so long as the lease remains subject to the plan: *Provided*, That production is had in paying quantities under the plan prior to the expiration date of the term of such lease. Any lease heretofore or hereafter committed to any such plan embracing lands that are in part within and in part outside of the area covered by any such plan shall be segregated into separate leases as to the lands committed and the lands not committed as of the effective date of unitization: *Provided, however*, That any such lease as to the nonunitized portion shall continue in force and effect for the term thereof but for not less than two years from the date of such segregation and so long thereafter as oil or gas is produced in paying quantities. The minimum royalty or discovery rental under any lease that has become subject to any cooperative or unit plan of development or operation, or other plan that contains a general provision for allocation of oil or gas, shall be payable only with respect to the lands subject to such lease to which oil or gas shall be allocated under such plan. Any lease which shall be eliminated from any such approved or prescribed plan, or from any communitization or drilling agreement authorized by this section, and any lease which shall be in effect at the termination of any such approved or prescribed plan, or at the termination of any such communitization or drilling agreement, unless relinquished, shall continue in effect for the original term thereof, but for not less than two years, and so long thereafter as oil or gas is produced in paying quantities.

The Secretary of the Interior is hereby authorized, on such conditions as he may prescribe, to approve operating, drilling, or development contracts made by one or more lessees of oil or gas leases, with one or more persons, associations, or corporations whenever,

in his discretion, the conservation of natural products or the public convenience or necessity may require it or the interests of the United States may be best subserved thereby. All leases operated under such approved operating, drilling, or development contracts, and interests thereunder, shall be excepted in determining holdings or control under the provisions of this Act.

The Secretary of the Interior, to avoid waste or to promote conservation of natural resources, may authorize the subsurface storage of oil or gas, whether or not produced from federally owned lands, in lands leased or subject to lease under this Act. Such authorization may provide for the payment of a storage fee or rental on such stored oil or gas or, in lieu of such fee or rental, for a royalty other than that prescribed in the lease when such stored oil or gas is produced in conjunction with oil or gas not previously produced. Any lease on which storage is so authorized shall be extended at least for the period of storage and so long thereafter as oil or gas not previously produced is produced in paying quantities.

(n)(1)(A) The owner of (1) an oil and gas lease issued prior to the date of enactment of the Combined Hydrocarbon Leasing Act of 1981 or (2) a valid claim to any hydrocarbon resources leasable under this section based on a mineral location made prior to January 21, 1926, and located within a special tar sand area shall be entitled to convert such lease or claim to a combined hydrocarbon lease for a primary term of ten years upon the filing of an application within two years from the date of enactment of that Act containing an acceptable plan of operations which assures reasonable protection of the environment and diligent development of those resources requiring enhanced recovery methods of development or mining. For purposes of conversion, no claim shall be deemed invalid solely because it was located as a placer location rather than a lode location or vice versa, notwithstanding any previous adjudication on that issue.

(B) The Secretary shall issue final regulations to implement this section within six months of the effective date of this Act. If any oil and gas lease eligible for conversion under this section would otherwise expire after the date of this Act and before six months following the issuance of implementing regulations, the lessee may preserve his conversion right under such lease for a period ending six months after the issuance of implementing regulations by filing with the Secretary, before the expiration of the lease, a notice of intent to file an application for conversion. Upon submission of a complete plan of operations in substantial compliance with the regulations promulgated by the Secretary for the filing of such plans, the Secretary shall suspend the running of the term of any oil and gas lease proposed for conversion until the plan is finally approved or disapproved. The Secretary shall act upon a proposed plan of operations within fifteen months of its submittal.

(C) When an existing oil and gas lease is converted to a combined hydrocarbon lease, the royalty shall be that provided for in the original oil and gas lease and for a converted mining claim, 12½ per centum in amount or value of production removed or sold from the lease.

(2) Except as provided in this section, nothing in the Combined Hydrocarbon Leasing Act of 1981 shall be construed to diminish or

increase the rights of any lessee under any oil and gas lease issued prior to the enactment of such Act.

(o) CERTAIN OUTSTANDING OIL AND GAS.—(1) Prior to the commencement of surface-disturbing activities relating to the development of oil and gas deposits on lands described under paragraph (5), the Secretary of Agriculture shall require, pursuant to regulations promulgated by the Secretary, that such activities be subject to terms and conditions as provided under paragraph (2).

(2) The terms and conditions referred to in paragraph (1) shall require that reasonable advance notice be furnished to the Secretary of Agriculture at least 60 days prior to the commencement of surface disturbing activities.

(3) Advance notice under paragraph (2) shall include each of the following items of information:

(A) A designated field representative.

(B) A map showing the location and dimensions of all improvements, including but not limited to, well sites and road and pipeline accesses.

(C) A plan of operations, of an interim character if necessary, setting forth a schedule for construction and drilling.

(D) A plan of erosion and sedimentation control.

(E) Proof of ownership of mineral title.

Nothing in this subsection shall be construed to affect any authority of the State in which the lands concerned are located to impose any requirements with respect to such oil and gas operations.

(4) The person proposing to develop oil and gas deposits on lands described under paragraph (5) shall either—

(A) permit the Secretary to market merchantable timber owned by the United States on lands subject to such activities; or

(B) arrange to purchase merchantable timber on lands subject to such surface disturbing activities from the Secretary of Agriculture, or otherwise arrange for the disposition of such merchantable timber, upon such terms and upon such advance notice of the items referred to in subparagraphs (A) through (E) of paragraph (3) as the Secretary may accept.

(5)(A) The lands referred to in this subsection are those lands referenced in subparagraph (B) which are under the administration of the Secretary of Agriculture where the United States acquired an interest in such lands pursuant to the Act of March 1, 1911 (36 Stat. 961 and following), but does not have an interest in oil and gas deposits that may be present under such lands. This subsection does not apply to any such lands where, under the provisions of its acquisition of an interest in the lands, the United States is to acquire any oil and gas deposits that may be present under such lands in the future but such interest has not yet vested with the United States.

(B) This subsection shall only apply in the Allegheny National Forest.

(p) DEADLINES FOR CONSIDERATION OF APPLICATIONS FOR PERMITS.—

(1) IN GENERAL.—Not later than 10 days after the date on which the Secretary receives an application for any permit to drill, the Secretary shall—

- (A) notify the applicant that the application is complete;
 - or
 - (B) notify the applicant that information is missing and specify any information that is required to be submitted for the application to be complete.
- (2) ISSUANCE OR DEFERRAL.—Not later than 30 days after the applicant for a permit has submitted a complete application, the Secretary shall—
- (A) issue the permit, if the requirements under the National Environmental Policy Act of 1969 and other applicable law have been completed within such timeframe; or
 - (B) defer the decision on the permit and provide to the applicant a notice—
 - (i) that specifies any steps that the applicant could take for the permit to be issued; and
 - (ii) a list of actions that need to be taken by the agency to complete compliance with applicable law together with timelines and deadlines for completing such actions.
- (3) REQUIREMENTS FOR DEFERRED APPLICATIONS.—
- (A) IN GENERAL.—If the Secretary provides notice under paragraph (2)(B), the applicant shall have a period of 2 years from the date of receipt of the notice in which to complete all requirements specified by the Secretary, including providing information needed for compliance with the National Environmental Policy Act of 1969.
 - (B) ISSUANCE OF DECISION ON PERMIT.—If the applicant completes the requirements within the period specified in subparagraph (A), the Secretary shall issue a decision on the permit not later than 10 days after the date of completion of the requirements described in subparagraph (A), unless compliance with the National Environmental Policy Act of 1969 and other applicable law has not been completed within such timeframe.
 - (C) DENIAL OF PERMIT.—If the applicant does not complete the requirements within the period specified in subparagraph (A) or if the applicant does not comply with applicable law, the Secretary shall deny the permit.

* * * * *

DISSENTING VIEWS

The United States has hundreds of thousands of abandoned oil and gas wells with unknown or insolvent operators. Oil and gas operations began in the United States in the 1800s, and many of the sites in question were abandoned before modern regulation became widespread a century later.¹ The scope of the problem is hard to determine. A 2019 report from the Interstate Oil & Gas Compact Commission (IOGCC) found that 56,000 orphan wells have been documented, but the number of undocumented wells could be much higher, totaling anywhere from 210,000 to 746,000.² According to IOGCC, the majority of orphaned wells occur on private land, ranging from zero documented wells in one state to 13,266 wells in another.³ About half of states and provinces reported fewer than 100 orphan wells.⁴ Currently, the vast majority of operators complete their reclamation responsibilities, though there are some bad actors who leave orphaned wells for the Bureau of Land Management (BLM) to clean up. According to the U.S. Government Accountability Office (GAO), of the 96,199 wells on federal lands, only 296 have been left to BLM to reclaim, roughly 0.3 percent of the total.⁵

This issue was partially addressed in the Infrastructure Investment and Jobs Act (IIJA), which included a \$4.7 billion investment to plug orphaned wells.⁶ The IIJA created a federal program to clean up orphaned wells on federal lands, a Tribal program to clean up orphaned wells on Tribal lands and also authorized grants for states to clean up orphaned wells on state and private lands.⁷

Similar to the IIJA, H.R. 2415, the Orphaned Well Clean-up and Jobs Act of 2021, aims to address this issue by creating a program at the Department of the Interior (DOI) that would provide funding to plug orphaned wells and remediate and reclaim orphan wells on federal land. However, H.R. 2415 diverges from current law by requiring operators to pay new fees for idled wells and significantly increasing bonding requirements for operations on federal land. Unfortunately, H.R. 2415 takes an extreme partisan path on what should be a bipartisan issue by also predicating millions of dollars of grant funding on the adoption of new regulations, including new bonding requirements and overly stringent methane emissions regulations. These provisions would be extremely burdensome to current operators, disincentivizing domestic energy development dur-

¹ Interstate Oil & Gas Compact Commission. *Idle and Orphan Oil and Gas Wells: State and Regulatory Strategies*, p. 5, 2019. https://iogcc.ok.gov/sites/g/files/gmc836/f/documents/2021/2020_03_04_updated_idle_and_orphan_oil_and_gas_wells_report.pdf.

²*Id.* at 14.

³*Id.* at 12.

⁴*Id.* at 5.

⁵ U.S. Government Accountability Office. *Oil and Gas: Bureau of Land Management Should Address Risks from Insufficient Bonds to Reclaim Wells*. GAO-19-615: Published: Sep 18, 2019. <https://www.gao.gov/products/GAO-19-615>.

⁶ Public Law 117-58.

⁷*Id.*

ing a time when energy prices are at or near historic levels. If enacted, this legislation would only exacerbate the current energy crisis by curtailing domestic energy production. Rather than enacting new burdensome requirements, additional Congressional oversight is needed to ensure the funds already authorized for orphan well cleanup in the IIJA are utilized efficiently and appropriately.

For these reasons, I oppose H.R. 2415.

BRUCE WESTERMAN.

