

117TH CONGRESS  
1ST SESSION

# S. 1076

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

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## IN THE SENATE OF THE UNITED STATES

APRIL 12, 2021

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

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## A BILL

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

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

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

11 “(a) DEFINITIONS.—In this section:

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

15 “(A) the Department of Agriculture; or

16 “(B) the Department of the Interior.

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

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

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

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

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

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

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

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

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

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

18                                   “(aa) to plug the well; and

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

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

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

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

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

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

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

12           “(b) FEDERAL PROGRAM.—

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

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

21           “(A) include a method of—

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

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

4                               “(I) public health and safety;

5                               “(II) potential environmental  
6                   harm; and

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

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

12                               “(i) plugging orphaned wells;

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

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

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

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

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

11           “(E) measure and track—

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

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

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

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

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

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

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

8           “(A) work cooperatively with—

9                 “(i) the Secretary of Agriculture;

10                “(ii) affected Indian Tribes; and

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

13           “(B) consult with—

14                “(i) the Secretary of Energy; and

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

17           “(c) FUNDING FOR STATE PROGRAMS.—

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

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

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

22           and

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

25           “(2) ACTIVITIES.—

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

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

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

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

12           “(I) public health and safety;

13           “(II) potential environmental  
14 harm; and

15           “(III) other land use priorities.

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

19          “(v) To measure and track—

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

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



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

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

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

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

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

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

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

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

7 “(3) INITIAL GRANTS.—

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

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

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

21 “(II) a certification that—

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

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

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

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

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

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

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

21           “(aa) the State—

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

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

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

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

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

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

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

6 “(4) FORMULA GRANTS.—

7 “(A) ESTABLISHMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

5                   “(i) a description of—

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

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

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

25                          “(ii) an estimate of—

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

4           “(II) the projected cost of—

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

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

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

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

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

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



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

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

8                   “(I) an orphaned well; or

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

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

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

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

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

7                   “(ii) the Secretary of Energy; and

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

10           “(5) PERFORMANCE GRANTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(i) the Administrator of the Environ-  
4 mental Protection Agency;

5 “(ii) the Secretary of Energy; and

6 “(iii) the Interstate Oil and Gas Com-  
7 pact Commission.

8 “(E) REGULATORY IMPROVEMENT  
9 GRANTS.—

10 “(i) IN GENERAL.—Beginning on the  
11 date that is 180 days after the date on  
12 which an initial grant is provided to a  
13 State under paragraph (3), the Secretary  
14 shall provide to the State a regulatory im-  
15 provement grant under this subparagraph,  
16 if the State meets, during the 10-year pe-  
17 riod ending on the date on which the State  
18 submits to the Secretary an application  
19 under subparagraph (B), 1 of the following  
20 criteria:

21 “(I) The State has strengthened  
22 plugging standards and procedures  
23 designed to ensure that wells located  
24 in the State are plugged in an effec-  
25 tive manner that protects ground-

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

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

13 “(ii) LIMITATIONS.—

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

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

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

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

11 “(F) MATCHING GRANTS.—

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

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

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

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

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

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

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

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

16 “(ii) LIMITATIONS.—

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

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

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

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

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

9                   “(2) ELIGIBLE ACTIVITIES.—

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

13 “(A) a description of—

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

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

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

5 “(B) an estimate of—

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

9 “(ii) the projected cost of—

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

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

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

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

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

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

4 “(7) DELEGATION TO SECRETARY.—

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

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

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

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

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

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

20 “(A) orphaned wells; or

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

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

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

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

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

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

12          “(g) EFFECT OF SECTION.—

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

16                         “(A) plugging any well; or

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

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

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

1           “(B) absolves the United States from a re-  
2           sponsibility to plug, remediate, or reclaim an  
3           orphaned well located on Tribal land or any  
4           other responsibility to an Indian Tribe, includ-  
5           ing any responsibility that derives from—

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

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

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

12           “(3) OWNER OR OPERATOR NOT ABSOLVED.—

13           Nothing in this section absolves the owner or oper-  
14           ator of an oil or gas well of any potential liability  
15           for—

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

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

20           “(h) FUNDING.—

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

25                   “(A) To the Secretary—

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

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

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

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

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

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

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

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

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

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



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

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