

118TH CONGRESS
1ST SESSION

S. 3496

To amend the Energy Policy Act of 2005 to address measuring methane emissions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 13, 2023

Mr. BRAUN (for himself, Mr. CASEY, Mr. RISCH, Mr. LEE, Mr. MARSHALL, Mr. CRUZ, Mr. MULLIN, Mr. MORAN, Mr. CRAPO, Mr. SCHMITT, Mr. LANKFORD, Mr. FETTERMAN, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Energy Policy Act of 2005 to address measuring methane emissions, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Orphan Well Grant
5 Flexibility Act of 2023”.

6 **SEC. 2. PRE-PLUGGING METHANE EMISSIONS FOR GRANT**

7 **ELIGIBILITY.**

8 Section 349 of the Energy Policy Act of 2005 (42
9 U.S.C. 15907) is amended—

1 (1) in subsection (c)(2), by adding at the end
2 the following:

3 “(C) ACTIVITIES NOT REQUIRED.—Noth-
4 ing in this section requires a State to measure
5 methane emissions or conduct other activities
6 described in subparagraph (A), which are activi-
7 ties a State may conduct but is not required to
8 conduct, as a condition of eligibility for a grant
9 under this subsection.”; and

10 (2) in subsection (f)(2), in the matter preceding
11 subparagraph (A), by inserting “, which may include
12 estimates derived from pre-plugging or post-plugging
13 monitoring data that States may, but are not re-
14 quired to, collect using funding from grants awarded
15 under this section,” after “estimate”.

16 **SEC. 3. NATIONAL ACADEMIES STUDY ON COMMUNITY IM-**
17 **PACT OF ORPHANED WELL GRANT PROGRAM.**

18 (a) STUDY.—Not later than 180 days after the date
19 of enactment of this Act, the Secretary of the Interior
20 shall—

21 (1) seek to enter into an agreement with the
22 National Academies of Sciences, Engineering, and
23 Medicine under which the National Academies of
24 Sciences, Engineering, and Medicine shall carry out
25 a study on the effect of the plugging and remedi-

1 ation activity conducted under section 349 of the
2 Energy Policy Act of 2005 (42 U.S.C. 15907) on
3 economic development, housing trends, and other po-
4 tential benefits (such as improvements in water
5 quality) in areas where the plugging and remediation
6 activity conducted under that section reclaimed a
7 high number of sites, as determined by the National
8 Academies of Sciences, Engineering, and Medicine;
9 and

10 (2) to the maximum extent practicable, provide
11 the National Academies of Sciences, Engineering,
12 and Medicine with information necessary to carry
13 out the study described in paragraph (1).

14 (b) KEY INPUTS.—The National Academies of
15 Sciences, Engineering, and Medicine shall ensure that at
16 least 1 State from each region of the United States
17 (Northeast, Southwest, West, Southeast, and Midwest)
18 shall be key inputs to the study carried out under sub-
19 section (a).

20 (c) CONSULTATION.—In carrying out the study under
21 subsection (a), the National Academies of Sciences, Engi-
22 neering, and Medicine shall consult with—

23 (1) the Department of Housing and Urban De-
24 velopment, with respect to—

1 (A) how the plugging and remediation ac-
2 tivity conducted under section 349 of the En-
3 ergy Policy Act of 2005 (42 U.S.C. 15907) has
4 affected economic development and housing
5 trends; and

6 (B) how data on locations of plugging and
7 remediation priorities from the Department of
8 the Interior may be valuable to the Department
9 of Housing and Urban Development;

10 (2) the Interstate Oil and Gas Compact Com-
11 mission, to provide data required to carry out the
12 study under subsection (a); and

13 (3) other Federal agencies, as determined by
14 the Secretary of the Interior, in consultation with
15 the National Academies of Sciences, Engineering,
16 and Medicine.

17 (d) REPORT.—Not later than 18 months after the
18 date on which the last grant is awarded under section 349
19 of the Energy Policy Act of 2005 (42 U.S.C. 15907), the
20 National Academies of Sciences, Engineering, and Medi-
21 cine shall submit to Congress a report detailing the find-
22 ings of the study carried out under subsection (a).

- 1 (e) USE OF EXISTING FUNDS.—This section shall be
- 2 carried out using amounts otherwise made available to the
- 3 Secretary of the Interior.

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