

by orphaned wells on Federal land, Tribal land, and State and private land, including the sharing of best practices in the management of oil and gas well inventories to ensure the availability of funds to plug, remediate, and restore oil and gas well sites on cessation of operation.

**(f) Report to Congress**

Not later than 1 year after November 15, 2021, and not less frequently than annually thereafter, the Secretary shall submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives a report describing the program established and grants awarded under this section, including—

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

- (A) orphaned wells; or
- (B) at risk of becoming orphaned wells;

(2) an estimate of the quantities of—

- (A) methane and other gasses emitted from orphaned wells; and
- (B) emissions reduced as a result of plugging, remediating, and reclaiming orphaned wells;

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

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

**(g) Effect of section**

**(1) No expansion of liability**

Nothing in this section establishes or expands the responsibility or liability of any entity with respect to—

- (A) plugging any well; or
- (B) remediating or reclaiming any well site.

**(2) Tribal land**

Nothing in this section—

(A) relieves the Secretary of any obligation under section 396c of title 25, to plug, remediate, or reclaim an orphaned well located on Tribal land; or

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

- (i) the trust relationship between the United States and Indian Tribes;
- (ii) any treaty, law, or Executive order; or
- (iii) any agreement between the United States and an Indian Tribe.

**(3) Owner or operator not absolved**

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

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

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

**(h) Authorization of appropriations**

There are authorized to be appropriated for fiscal year 2022, to remain available until September 30, 2030:

(1) to the Secretary—

(A) \$250,000,000 to carry out the program under subsection (b);

(B) \$775,000,000 to provide grants under subsection (c)(3);

(C) \$2,000,000,000 to provide grants under subsection (c)(4);

(D) \$1,500,000,000 to provide grants under subsection (c)(5); and

(E) \$150,000,000 to carry out the program under subsection (d);

(2) to the Secretary of Energy, \$30,000,000 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—

- (A) identifying and characterizing undocumented orphaned wells; and
- (B) 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.

(Pub. L. 109-58, title III, §349, Aug. 8, 2005, 119 Stat. 709; Pub. L. 113-40, §10(b), Oct. 2, 2013, 127 Stat. 545; Pub. L. 117-58, div. D, title VI, §40601, Nov. 15, 2021, 135 Stat. 1080.)

**Editorial Notes**

AMENDMENTS

2021—Pub. L. 117-58 amended section generally. Prior to amendment, section related to orphaned, abandoned, or idled wells on Federal land.

2013—Subsec. (i). Pub. L. 113-40 added subsec. (i).

**Statutory Notes and Related Subsidiaries**

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of this title.

**§ 15908. Preservation of geological and geophysical data**

**(a) Short title**

This section may be cited as the “National Geological and Geophysical Data Preservation Program Act of 2005”.

**(b) Program**

The Secretary shall carry out a National Geological and Geophysical Data Preservation Program in accordance with this section—

- (1) to archive geologic, geophysical, and engineering data, maps, well logs, and samples;
- (2) to provide a national catalog of such archival material;
- (3) to provide technical and financial assistance related to the archival material; and

(4) to provide for preservation of samples to track geochemical signatures from critical mineral (as defined in section 1606(a) of title 30) ore bodies for use in provenance tracking frameworks.

**(c) Plan**

Not later than 1 year after August 8, 2005, the Secretary shall submit to Congress a plan for the implementation of the Program.

**(d) Data archive system**

**(1) Establishment**

The Secretary shall establish, as a component of the Program, a data archive system to provide for the storage, preservation, and archiving of subsurface, surface, geological, geophysical, and engineering data and samples. The Secretary, in consultation with the Advisory Committee, shall develop guidelines relating to the data archive system, including the types of data and samples to be preserved.

**(2) System components**

The system shall be comprised of State agencies that elect to be part of the system and agencies within the Department of the Interior that maintain geological and geophysical data and samples that are designated by the Secretary in accordance with this subsection. The Program shall provide for the storage of data and samples through data repositories operated by such agencies.

**(3) Limitation of designation**

The Secretary may not designate a State agency as a component of the data archive system unless that agency is the agency that acts as the geological survey in the State.

**(4) Data from Federal land**

The data archive system shall provide for the archiving of relevant subsurface data and samples obtained from Federal land—

- (A) in the most appropriate repository designated under paragraph (2), with preference being given to archiving data in the State in which the data were collected; and
- (B) consistent with all applicable law and requirements relating to confidentiality and proprietary data.

**(e) National catalog**

**(1) In general**

As soon as practicable after August 8, 2005, the Secretary shall develop and maintain, as a component of the Program, a national catalog that identifies—

- (A) data and samples available in the data archive system established under subsection (d);
- (B) the repository for particular material in the system; and
- (C) the means of accessing the material.

**(2) Availability**

The Secretary shall make the national catalog accessible to the public on the site of the Survey on the Internet, consistent with all applicable requirements related to confidentiality and proprietary data.

**(f) Advisory Committee**

**(1) In general**

The Advisory Committee shall advise the Secretary on planning and implementation of the Program.

**(2) New duties**

In addition to its duties under the National Geologic Mapping Act of 1992 (43 U.S.C. 31a et seq.), the Advisory Committee shall perform the following duties:

(A) Advise the Secretary on developing guidelines and procedures for providing assistance for facilities under subsection (g)(1).

(B) Review and critique the draft implementation plan prepared by the Secretary under subsection (c).

(C) Identify useful studies of data archived under the Program that will advance understanding of the Nation's energy and mineral resources, geologic hazards, and engineering geology.

(D) Review the progress of the Program in archiving significant data and preventing the loss of such data, and the scientific progress of the studies funded under the Program.

(E) Include in the annual report to the Secretary required under section 5(b)(3)<sup>1</sup> of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)(3)) an evaluation of the progress of the Program toward fulfilling the purposes of the Program under subsection (b).

**(g) Financial assistance**

**(1) Archive facilities**

Subject to the availability of appropriations, the Secretary shall provide financial assistance to a State agency that is designated under subsection (d)(2) for providing facilities to archive energy material.

**(2) Studies**

Subject to the availability of appropriations, the Secretary shall provide financial assistance to any State agency designated under subsection (d)(2) for studies and technical assistance activities that enhance understanding, interpretation, and use of materials archived in the data archive system established under subsection (d).

**(3) Federal share**

The Federal share of the cost of an activity carried out with assistance under this subsection shall be not more than 50 percent of the total cost of the activity.

**(4) Private contributions**

The Secretary shall apply to the non-Federal share of the cost of an activity carried out with assistance under this subsection the value of private contributions of property and services used for that activity.

**(h) Report**

The Secretary shall include in each report under section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g)—

<sup>1</sup> See References in Text note below.

(1) a description of the status of the Program;

(2) an evaluation of the progress achieved in developing the Program during the period covered by the report; and

(3) any recommendations for legislative or other action the Secretary considers necessary and appropriate to fulfill the purposes of the Program under subsection (b).

**(i) Maintenance of State effort**

It is the intent of Congress that the States not use this section as an opportunity to reduce State resources applied to the activities that are the subject of the Program.

**(j) Definitions**

In this section:

**(1) Advisory Committee**

The term “Advisory Committee” means the advisory committee established under section 5 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d).

**(2) Program**

The term “Program” means the National Geological and Geophysical Data Preservation Program carried out under this section.

**(3) Secretary**

The term “Secretary” means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

**(4) Survey**

The term “Survey” means the United States Geological Survey.

**(k) Authorization of appropriations**

There are authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2021 through 2029, to remain available until expended.

(Pub. L. 109–58, title III, §351, Aug. 8, 2005, 119 Stat. 711; Pub. L. 116–260, div. Z, title VII, §7002(*l*), Dec. 27, 2020, 134 Stat. 2575; Pub. L. 117–58, div. D, title II, §40203, Nov. 15, 2021, 135 Stat. 959.)

**Editorial Notes**

REFERENCES IN TEXT

The National Geologic Mapping Act of 1992, referred to in subsec. (f)(2), is Pub. L. 102–285, May 18, 1992, 106 Stat. 166, which is classified principally to sections 31a to 31h of Title 43, Public Lands. Par. (3) of section 5(b) of the Act was redesignated par. (4) by Pub. L. 111–11, title XI, §11001(f)(2)(B), Mar. 30, 2009, 123 Stat. 1415, and is now classified to section 31d(b)(4) of Title 43. For complete classification of this Act to the Code, see Short Title note set out under section 31a of Title 43 and Tables.

AMENDMENTS

2021—Subsec. (b)(4). Pub. L. 117–58 added par. (4).

2020—Subsec. (k). Pub. L. 116–260 substituted “\$5,000,000 for each of fiscal years 2021 through 2029, to remain available until expended” for “\$30,000,000 for each of fiscal years 2006 through 2010”.

**Statutory Notes and Related Subsidiaries**

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction,

alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of this title.

**§ 15909. Gas hydrate production incentive**

**(a) Purpose**

The purpose of this section is to promote natural gas production from the natural gas hydrate resources on the outer Continental Shelf and Federal lands in Alaska by providing royalty incentives.

**(b) Suspension of royalties**

**(1) In general**

The Secretary may grant royalty relief in accordance with this section for natural gas produced from gas hydrate resources under an eligible lease.

**(2) Eligible leases**

A lease shall be an eligible lease for purposes of this section if—

(A) it is issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), or is an oil and gas lease issued for onshore Federal lands in Alaska;

(B) it is issued prior to January 1, 2016; and

(C) production under the lease of natural gas from gas hydrate resources commences prior to January 1, 2018.

**(3) Amount of relief**

The Secretary shall conduct a rulemaking and grant royalty relief under this section as a suspension volume if the Secretary determines that such royalty relief would encourage production of natural gas from gas hydrate resources from an eligible lease. The maximum suspension volume shall be 30 billion cubic feet of natural gas per lease. Such relief shall be in addition to any other royalty relief under any other provision applicable to the lease that does not specifically grant a gas hydrate production incentive. Such royalty suspension volume shall be applied to any eligible production occurring on or after the date of publication of the advanced notice of proposed rulemaking.

**(4) Limitation**

The Secretary may place limitations on royalty relief granted under this section based on market price.

**(c) Application**

This section shall apply to any eligible lease issued before, on, or after August 8, 2005.

**(d) Rulemakings**

**(1) Requirement**

The Secretary shall publish the advanced notice of proposed rulemaking within 180 days after August 8, 2005, and complete the rulemaking implementing this section within 365 days after August 8, 2005.

**(2) Gas hydrate resources defined**

Such regulations shall define the term “gas hydrate resources” to include both the natural gas content of gas hydrates within the hydrate stability zone and free natural gas trapped by and beneath the hydrate stability zone.