

105TH CONGRESS  
1ST SESSION

# H. R. 2072

To amend the Internal Revenue Code of 1986 to exclude from gross income gain from oil and gas produced from certain recovered inactive wells.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 1997

Mr. THORNBERRY introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to exclude from gross income gain from oil and gas produced from certain recovered inactive wells.

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 “Inactive Well Recovery  
5       Act”.

6       **SEC. 2. EXCLUSION OF CERTAIN AMOUNTS RECEIVED**  
7       **FROM RECOVERED INACTIVE WELLS.**

8       (a) IN GENERAL.—Part III of subchapter B of chap-  
9       ter 1 of the Internal Revenue Code of 1986 (relating to  
10       items specifically excluded from gross income) is amended

1 by redesignating section 138 as section 139 and by insert-  
 2 ing after section 137 the following new section:

3 **“SEC. 138. OIL OR GAS PRODUCED FROM A RECOVERED IN-**  
 4 **ACTIVE WELL.**

5 “(a) IN GENERAL.—Gross income does not include  
 6 income attributable to independent producer oil from a re-  
 7 covered inactive well.

8 “(b) DEFINITIONS.—For purposes of this section—

9 “(1) INDEPENDENT PRODUCER OIL.—The term  
 10 ‘independent producer oil’ means crude oil or natu-  
 11 ral gas in which the economic interest of the inde-  
 12 pendent producer is attributable to an operating  
 13 mineral interest (within the meaning of section  
 14 614(d)), overriding royalty interest, production pay-  
 15 ment, net profits interest, or similar interest.

16 “(2) CRUDE OIL AND NATURAL GAS.—The  
 17 terms ‘crude oil’ and ‘natural gas’ have the mean-  
 18 ings given such terms by section 613A(e).

19 “(3) RECOVERED INACTIVE WELL.—The term  
 20 ‘recovered inactive well’ means a well if—

21 “(A) throughout the 2-year period ending  
 22 on the date of the enactment of this section,  
 23 such well is inactive or has been plugged and  
 24 abandoned, as determined by the agency of the

1 State in which such well is located that is re-  
 2 sponsible for regulating such wells, and

3 “(B) during the 5-year period beginning on  
 4 the date of the enactment of this section, such  
 5 well resumes producing crude oil or natural gas.

6 “(4) INDEPENDENT PRODUCER.—The term  
 7 ‘independent producer’ means a producer of crude  
 8 oil or natural gas whose allowance for depletion is  
 9 determined under section 613A(c).

10 “(c) DEDUCTIONS.—No deductions directly con-  
 11 nected with amounts excluded from gross income by sub-  
 12 section (a) shall be allowed.

13 “(d) ELECTION.—

14 “(1) IN GENERAL.—This section shall apply for  
 15 any fiscal year only at the election of the taxpayer.

16 “(2) MANNER.—Such election shall be made, in  
 17 accordance with regulations prescribed by the Sec-  
 18 retary, not later than the time prescribed for filing  
 19 the return (including extensions thereof) and shall  
 20 be made annually on a property-by-property basis.”.

21 (b) CLERICAL AMENDMENT.—The table of sections  
 22 for part III of subchapter B of chapter 1 of such Code  
 23 is amended by striking the item relating to section 138  
 24 and inserting the following:

“Sec. 138. Oil or gas produced from a recovered inactive well.  
 “Sec. 139. Cross references to other Acts.”

1       (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on the date of the enactment  
3 of this Act.

