

111TH CONGRESS  
2D SESSION

# S. 3492

To amend the Outer Continental Shelf Lands Act to require the drilling of emergency relief wells, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 15, 2010

Mr. LAUTENBERG 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 Outer Continental Shelf Lands Act to require the drilling of emergency relief wells, 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 “Emergency Relief Well  
5       Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) the April 20, 2010, explosion and sinking of  
9       the mobile offshore drilling unit Deepwater Horizon  
10      resulted in the largest release of petroleum in the

1 history of the United States, causing tens of billions  
2 of dollars in economic damages and widespread dev-  
3 astation of natural resources;

4 (2) numerous attempts over several months  
5 failed to stem the flow of oil from the Deepwater  
6 Horizon incident, including the use of—

7 (A) a containment dome to cover the leak;

8 (B) a top kill procedure to plug the well  
9 with viscous drilling fluid;

10 (C) a junk shot to clog the well with var-  
11 ious waste materials; and

12 (D) a cut and cap procedure to excise a  
13 damaged riser pipe and apply an oil collection  
14 device;

15 (3) all of the attempts described in paragraph  
16 (2) failed to permanently stop the flow of oil;

17 (4) drilling emergency relief wells is the most  
18 effective procedure to permanently stop the flow of  
19 oil from a damaged well;

20 (5) the success of relief wells in stopping oil  
21 spills has been demonstrated in the Ixtoc Spill in  
22 Mexico in 1979 and the Montara Spill in Australia  
23 in 2009, which were 2 of the largest oil spills in re-  
24 cent history;

1           (6) although emergency relief wells successfully  
2       stopped the Ixtoc and Montara spills, the emergency  
3       relief wells—

4                   (A) took several months to complete; and

5                   (B) required multiple successive attempts  
6       before finally stopping the flow of oil;

7           (7) other governments have maintained emer-  
8       gency relief well policies to ensure that preparations  
9       are made for emergency relief wells before an emer-  
10      gency blowout;

11          (8) although no measure can prevent a spill or  
12      leak or make drilling safe, relief wells are the most  
13      proven way of stopping a spill or leak after a spill  
14      or leak has occurred; and

15          (9) if emergency wells had been prepared at the  
16      mobile offshore drilling unit Deepwater Horizon at  
17      the initiation of drilling, months of disaster relief  
18      measures could have been eliminated, and tens of  
19      millions of gallons of oil could have been prevented  
20      from entering the Gulf of Mexico and damaging the  
21      surrounding economies and natural resources.

1 **SEC. 3. AMENDMENTS TO THE OUTER CONTINENTAL**  
 2 **SHELF LANDS ACT.**

3 (a) GEOLOGICAL AND GEOPHYSICAL EXPLO-  
 4 RATIONS.—Section 11 of the Outer Continental Shelf  
 5 Lands Act (43 U.S.C. 1340) is amended—

6 (1) in subsection (c)(3)—

7 (A) in subparagraph (C), by striking  
 8 “and”;

9 (B) by redesignating subparagraph (D) as  
 10 subparagraph (E); and

11 (C) by inserting after subparagraph (C)  
 12 the following:

13 “(D) a plan for drilling at least 1 emer-  
 14 gency relief well concurrently with the drilling  
 15 of the proposed well; and”;

16 (2) in subsection (e), by adding at the end the  
 17 following:

18 “(3) EMERGENCY RELIEF WELL.—Any explor-  
 19 atory drilling conducted under a lease shall be ac-  
 20 companied by the concurrent drilling of at least 1  
 21 emergency relief well, subject to any applicable re-  
 22 quirements established by the Secretary.

23 “(4) ALTERNATIVE MEASURES.—The Secretary,  
 24 in consultation with the Administrator of the Envi-  
 25 ronmental Protection Agency and the Secretary of  
 26 Commerce, may require, as an alternative to the

1 emergency relief well requirement under paragraph  
2 (3), measures that the Secretary, after a period of  
3 notice and public comment, determines would be at  
4 least as effective at stopping a major release from a  
5 proposed well as the measures required under that  
6 paragraph.”.

7 (b) OIL AND GAS DEVELOPMENT AND PRODUC-  
8 TION.—Section 25 of the Outer Continental Shelf Lands  
9 Act (43 U.S.C. 1351) is amended—

10 (1) in subsection (c)—

11 (A) by redesignating paragraphs (5) and  
12 (6) as paragraphs (6) and (7), respectively; and

13 (B) by inserting after paragraph (4) the  
14 following:

15 “(5) a plan for drilling at least 1 emergency re-  
16 lief well concurrently with the proposed well;” and

17 (2) by adding at the end the following:

18 “(m) EMERGENCY RELIEF WELLS.—

19 “(1) IN GENERAL.—Any development and pro-  
20 duction drilling conducted under a lease granted  
21 under this Act shall be accompanied by the concur-  
22 rent drilling of at least 1 emergency relief well, sub-  
23 ject to any applicable requirements established by  
24 the Secretary.

1           “(2) ALTERNATIVE MEASURES.—The Secretary,  
2           in consultation with the Administrator of the Envi-  
3           ronmental Protection Agency and the Secretary of  
4           Commerce, may require, as an alternative to the  
5           emergency relief well requirement under paragraph  
6           (1), measures that the Secretary, after a period of  
7           notice and public comment, determines would be at  
8           least as effective at stopping a major release from a  
9           proposed well as the measures required under that  
10          paragraph.”.

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