To protect public health and safety and the environment by requiring the use of safe well control technologies and practices for the drilling of high-risk oil and gas wells in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M__ introduced the following bill; which was referred to the Committee on __________

A BILL

To protect public health and safety and the environment by requiring the use of safe well control technologies and practices for the drilling of high-risk oil and gas wells in the United States, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Blowout Prevention Act of 2010”.
SEC. 2. NO DRILLING WITHOUT DEMONSTRATED ABILITY TO PREVENT AND CONTAIN LEAKS.

(a) Federally Permitted High-risk Wells.—Effective one year after the date of enactment of this Act, the appropriate Federal official shall not issue a permit to drill for a high-risk well unless the applicant for such permit demonstrates, the Chief Executive Officer of the applicant attests in writing, and the appropriate Federal official determines that—

(1) the blowout preventer and other well control measures will prevent a blowout from occurring;

(2) the applicant has an oil spill response plan that ensures that the applicant has the capacity to promptly stop a blowout in the event the blowout preventer and other well control measures fail; and

(3) the applicant has the capability to begin drilling of a relief well within 15 days, and complete such drilling of a relief well to control a blowout within 90 days of the well control event that causes such blowout.

(b) Other High-risk Wells.—Effective one year after the date of enactment of this Act, any operator who intends to drill a high-risk well for which a permit to drill is not otherwise required to be issued by a Federal official shall notify the appropriate Federal official of the operator’s intent to drill such high-risk well, and shall not com-
mence drilling such well without approval of the appro-
appropriate Federal official. The appropriate Federal official
shall approve the commencement of drilling of such well
only if the operator has made a demonstration and attes-
tation, and the appropriate Federal official has made a
determination, equivalent to those required under sub-
section (a). The appropriate Federal official may delegate
the duties associated with this subsection to a State if the
appropriate Federal official determines that such State is
capable of faithfully executing such duties.

SEC. 3. BLOWOUT PREVENTER REQUIREMENTS.

(a) BLOWOUT PREVENTER ADEQUACY STAND-
ARDS.—The regulations issued under section 7(a) shall re-
quire the use of blowout preventers in all high-risk well
drilling operations and prescribing safety standards for
such blowout preventers. Such standards shall ensure that
blowout preventer designs will operate effectively at the
location where they will be deployed to prevent a blowout.
At a minimum, such designs shall include the following
components:

(1) Two sets of blind shear rams appropriately
spaced to prevent system failure if a drill pipe joint,
 drill collar, or drill tool is across one set of blind
shear rams during a situation that threatens loss of
well control.
(2) Two sets of casing shear rams appropriately spaced to prevent system failure if a drill pipe joint is across one set of casing shear rams during a situation that threatens loss of well control.

(3) Independent and redundant hydraulic and activation systems for each blind shear ram or casing shear ram.

(4) One or more emergency backup control systems capable of activating the relevant components of a blowout preventer in a situation that threatens loss of well control.

(5) As appropriate, ROV intervention capabilities for secondary control of all blowout preventer functions.

If the appropriate Federal official determines that a component required under paragraphs (1) through (4) would be less effective than an alternative mechanism in preventing a blowout in a situation that threatens loss of well control, the appropriate Federal official may include a requirement for such alternative mechanism in lieu of a requirement for the less effective component.

(b) INDEPENDENT THIRD-PARTY CERTIFICATION OF BLOWOUT PREVENTER READINESS.—The regulations issued under section 7(a) shall require the following:
(1) Prior to the commencement of drilling through a blowout preventer at any high-risk well, the operator shall obtain a written and signed certification from an independent third party approved and assigned by the appropriate Federal official pursuant to section 6(b) that the third party conducted a detailed physical inspection, design review, system integration test, and function and pressure testing of the blowout preventer to ensure that—

(A) the blowout preventer is designed for the specific drilling conditions, equipment, and location where it will be deployed and for the specific well design;

(B) the blowout preventer, with all of its components and control systems, will operate effectively and as designed when deployed;

(C) each blind shear ram or casing shear ram will function effectively under likely emergency scenarios and is capable of shearing the drill pipe or casing, as applicable, that will be used when deployed;

(D) emergency control systems will function under the conditions in which they will be deployed; and
(E) the blowout preventer has not been compromised or damaged from any previous service.

(2) Not less than once every 180 days after commencement of drilling through a blowout preventer at any high-risk well or upon implementation of any material modification to the blowout preventer or well design at such a well, the operator shall obtain a written and signed recertification from an independent third party approved and assigned by the appropriate Federal official pursuant to section 6(b) that the requirements in subparagraphs (A) through (E) of paragraph (1) continue to be met with the systems as deployed. Such recertification determinations shall consider the results of tests required by the appropriate Federal official, including testing of the emergency control systems of a blowout preventer at least every 14 days.

(3) Certifications under paragraph (1), recertifications under paragraph (2), and results of and data from all tests conducted pursuant to this subsection shall be promptly submitted to the appropriate Federal official and made publicly available.

(c) ADDITIONAL BLOWOUT PREVENTER TESTING.—

The regulations issued under section 7(a) shall require,
after a significant well control event at a high-risk well, prompt function and pressure testing of any blowout preventive component used in such well control event to ensure the full operability of all functions of such component. The results of and data from such testing shall be submitted to the appropriate Federal official before drilling operations resume.

(d) DOCUMENTATION AND REPORTING.—The regulations issued under section 7(a) shall require —

(1) ongoing submission to the appropriate Federal official of documentation of blowout preventer maintenance and repair within 24 hours of such maintenance and repair;

(2) prompt and ongoing real-time transmission of the electronic log from a blowout preventer control system to a secure location where it shall be available for inspection by the appropriate Federal official;

(3) maintenance of up-to-date design specifications of any blowout preventer in service;

(4) submission to the appropriate Federal official of any changes to the design specifications of a blowout preventer in service within 24 hours of such change; and
(5) prompt reporting to the appropriate Federal official of a failure of any blowout preventer or any component of a blowout preventer when used during a well control event.

SEC. 4. ENSURING SAFE WELLS AND CEMENTING.

(a) ENSURING SAFE WELL DESIGN.—

(1) STANDARDS.—The regulations issued under section 7(a) shall ensure the appropriate and safe design of high-risk wells. At a minimum, such regulations shall require—

(A) at least three independent tested barriers, including at least two mechanical barriers, across each flow path during well completion and abandonment activities;

(B) that wells shall be designed so that a failure of one barrier does not significantly increase the likelihood of another barrier’s failure;

(C) that the casing design is appropriate for the purpose for which it is intended under reasonably expected wellbore conditions; and

(D) well control guidelines and fluid circulation and displacement procedures.

(2) THIRD-PARTY CERTIFICATION.—The regulations issued under section 7(a) shall require that, prior to the commencement of drilling at any high-
risk well, the operator shall obtain a written and signed certification from an independent third party approved and assigned by the appropriate Federal official pursuant to section 6(b) that the well design meets the requirements established by the appropriate Federal official under paragraph (1).

(3) RECERTIFICATION.—Upon implementation of any material modification to the well design of such a well, the operator shall obtain a written and signed recertification from an independent third party approved and assigned by the appropriate Federal official pursuant to section 6(b) that the well design continues to meet the requirements established by the appropriate Federal official under paragraph (1).

(b) ENSURING SAFE CEMENTING AND CASING.—The regulations issued under section 7(a) shall require that well casing designs and cementing programs and procedures for a high-risk well will ensure that well control will be maintained and that there will be no unintended flow path between any hydrocarbon-bearing formation zone and the wellhead. Such regulations shall also require that, prior to the commencement of drilling at any high-risk well, the operator shall obtain a written and signed certification from an independent third party approved and as-
signed by the appropriate Federal official pursuant to section 6(b) that the operator’s well casing designs and cementing programs and procedures ensure that well control will be maintained and that there will be no unintended flow path between any hydrocarbon-bearing formation zone and the wellhead. Such regulations shall, at a minimum, require adequate cement volume and cement bond logs for all cementing programs (including remedial cementing).

(c) Preventing Ignition and Explosion.—The regulations issued under section 7(a) shall establish procedures and technologies to be used during drilling at any high-risk well to minimize the risk of ignition and explosion of hydrocarbons or any other material discharged from the well during a well control event. Such regulations shall address the diversion of dangerous oil, gas, well fluids, and other materials and standards for drilling equipment and engines on such equipment.

SEC. 5. STOP-WORK REQUIREMENTS.

(a) Requirements.—The regulations issued under section 7(a) shall establish stop-work requirements for oil and gas exploration and production activities at high-risk wells, including—

(1) requirements that the operator, or the operator’s employees or contractors, immediately stop all
work, other than the work required to ensure safety, 
in the event of specified well conditions or other fac-
tors indicating that there is an immediate risk of a 
blowout;

(2) requirements that the operator adopt poli-
cies, procedures, and incentives to ensure that the 
operator, or the operator’s employees or contractors, 
immediately stop all work, other than the work re-
quired to ensure safety, when the operator, or the 
operator’s employees or contractors, have identified 
well conditions, well design, drilling procedures, drill-
ing equipment, or any other factor indicating that 
there is an immediate risk of a well control event; 
and

(3) that the operator, or the operator’s employ-
ees or contractors, take appropriate action to miti-
gate risks identified pursuant to paragraph (1) or 
(2), and obtain the concurrence of the appropriate 
Federal official that such action is sufficient, prior 
to resumption of work.

(b) RECORDS OF EVENTS.—The appropriate Federal 
official shall maintain records of all such events, their du-
ration, the reason for such events, and the actions taken 
prior to the resumption of activities.
SEC. 6. INDEPENDENT TECHNICAL ADVICE AND CERTIFICATION.

(a) WELL CONTROL TECHNICAL ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the appropriate Federal official shall appoint an independent technical advisory committee to be known as the Well Control Technical Advisory Committee.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Advisory Committee shall be composed of 7 members. Members shall be qualified by education, training, and experience to provide scientific and technical advice with regard to blowout preventers and other well control equipment and operations. At least 3 of the members of the Advisory Committee shall be members of the National Academy of Engineering.

(B) APPOINTMENT AND TERMS.—The appropriate Federal official shall appoint Advisory Committee members, including a chair and vice-chair to the Advisory Committee. Each term of a member’s service on the Advisory Committee shall be 3 years, except for initial terms, which may be up to 5 years in length to allow stag-
Members may be reappointed only once for an additional 3-year term.

(C) CONFLICTS OF INTEREST.—Members of the Advisory Committee shall not be current employees of any entity subject to regulation under this Act or of any entity that is a contractor of any entity subject to regulation under this Act. The appropriate Federal official shall establish requirements to ensure that members of the Advisory Committee do not have any conflicts of interest.

(3) PERIODIC REPORTS.—Not later than 180 days after the date of enactment of this Act, and every 5 years thereafter, the Advisory Committee shall submit to the appropriate Federal official and Congress a report that—

(A) assesses available blowout preventer and well control technologies, practices, voluntary standards, and regulations in the United States and elsewhere;

(B) assesses whether existing regulations issued by the appropriate Federal official for blowout preventers and well control for high-risk wells for oil and gas exploration or production in the United States adequately protect
public health and safety and the environment; and

(C) as appropriate, recommends modifications to the regulations identified under subparagraph (B) to ensure adequate protection of public health and safety and the environment.

(4) OTHER DUTIES.—In addition to the responsibilities set forth under this section, the Advisory Committee shall—

(A) review and comment on proposed regulations as required under section 7;

(B) respond to requests for advice from the appropriate Federal official on matters within the Advisory Committee’s expertise; and

(C) as appropriate, consult with third-party certifiers and with employees of the agency conducting inspections pursuant to this Act, and review reports or other documents submitted to the appropriate Federal official pursuant to this Act, to obtain information on blowout preventer and well control safety issues.

(b) INDEPENDENT THIRD-PARTY CERTIFIERS.—

(1) APPROVAL.—The appropriate Federal official shall establish appropriate standards for the approval of independent third parties capable of exer-
cising the certification functions prescribed under sections 3 and 4, including standards to ensure technical competence and an absence of, or a mechanism for adequately mitigating, any actual or apparent conflicts of interest.

(2) ASSIGNMENT.—The appropriate Federal official shall require that the reviews, inspections, tests, certifications, and recertifications required under sections 3 and 4 are performed by independent third-party certifiers that have contracted directly with the appropriate Federal official rather than the operator and are randomly assigned by the appropriate Federal official to individual certifications and recertifications, including the reviews, inspections, and tests required for such individual certifications and recertifications.

(3) CONTRACTING AND FEES.—The appropriate Federal official shall contract with independent third-party certifiers to perform the reviews, inspections, tests, certifications, and recertifications required by the regulations issued under this Act and shall assess fees upon operators to cover the costs of such activities.

(4) ENFORCEMENT.—It shall be a violation of this Act for any third-party certifier approved under
this section to make any false statement, knowingly
or with reckless disregard for the truth of such
statement, in any document submitted to the appro-
priate Federal official in connection with a certifi-
cation or recertification under this Act.

(c) EXPERT REVIEW PANELS.—The appropriate
Federal official may establish a panel of technical experts
to provide technical advice with regard to any well-specific
regulatory decision under this Act, including permitting
determinations under section 2 and review and approval
of well designs pursuant to section 4(a). The appropriate
Federal official shall identify a pool of qualified experts
in relevant areas for this purpose and shall establish
standards for including and maintaining individuals in
such pool, including standards to ensure technical com-
petence and an absence of, or a mechanism for adequately
mitigating, any actual or apparent conflicts of interest.

SEC. 7. REGULATIONS AND ORDERS.

(a) ISSUANCE, REVIEW, AND REVISION OF REGULA-
TIONS.—

(1) ISSUANCE OF REGULATIONS.—Not later
than 1 year after the date of enactment of this Act,
the appropriate Federal official shall issue the regu-
lations required under this Act.
(2) **Periodic review and revision of rules.**—At least once every 5 years, the appropriate Federal official shall review and, based on new or updated information and taking into consideration the recommendations of the Advisory Committee, shall—

(A) revise the regulations issued under this Act to ensure that such regulations adequately protect public health and safety and the environment; or

(B) issue a written determination that revision of such regulations would not materially enhance protection of public health and safety or the environment.

(3) **Advisory Committee review.**—Upon issuance of any proposed regulation under this Act, the appropriate Federal official shall promptly submit such proposed regulation to the Advisory Committee for its review. The Advisory Committee shall, within 90 days, submit comments advising the appropriate Federal official whether the proposed regulation ensures adequate protection of public health and safety and the environment and, if not, proposing modifications to ensure such adequate protection. Before issuance of a final regulation under this
Act, the appropriate Federal official shall consider
and respond in writing to comments and proposed
modification submitted by the Advisory Committee.
If the appropriate Federal official declines to adopt
such proposed modifications, the appropriate Fed-
eral official shall clearly and specifically state the
reasons for such decision in the final regulation.

(4) RULEMAKING DOCKETS.—

(A) ESTABLISHMENT.—Not later than the
date of proposal of any regulation under this
Act, the appropriate Federal official shall estab-
lish a publicly available rulemaking docket for
such regulation.

(B) DOCUMENTS INCLUDED.—Promptly
upon receipt by the appropriate Federal official,
all written comments and documentary informa-
tion on the proposed rule received from any
person for inclusion in the docket during the
comment period shall be placed in the docket.
The transcript of public hearings, if any, on the
proposed rule shall also be included in the dock-
et promptly upon receipt from the person who
transcribed such hearings. All documents which
become available after the proposed rule has
been published and which the appropriate Fed-
eral official determines are of central relevance to the rulemaking shall be placed in the docket as soon as possible after their availability.

(C) DOCUMENTS SUBMITTED TO THE OFFICE OF MANAGEMENT AND BUDGET.—The drafts of proposed rules submitted by the appropriate Federal official to the Office of Management and Budget for any interagency review process prior to proposal of any such rule, all documents accompanying such drafts, and all written comments thereon by other agencies and all written responses to such written comments by the appropriate Federal official shall be placed in the docket no later than the date of proposal of the rule. The drafts of the final rule submitted for such review process prior to issuance and all such written comments thereon, all documents accompanying such drafts, and written responses thereto shall be placed in the docket no later than the date of issuance.

(b) INTERIM ORDERS.—Prior to the issuance and effective date of initial regulations required pursuant to subsection (a)(1), the appropriate Federal official may issue an order applicable to one or more operators to ensure that such operator or operators—
(1) have the ability to prevent and respond to a blowout;

(2) utilize safe and effective blowout preventers;

(3) use safe casing designs and cementing programs and procedures;

(4) use appropriate and safe designs of wells;

(5) use appropriate procedures and technologies to minimize the risk of ignition of well fluids; and

(6) take any other appropriate measure to ensure well control is maintained and blowouts are prevented.

SEC. 8. WELL CONTROL AND BLOWOUT PREVENTION INSPECTORS.

The appropriate Federal official shall provide for periodic unannounced inspections by agency inspectors of drilling operations of high-risk wells to ensure that such operations comply with the regulations issued pursuant to this Act. The appropriate Federal official shall also provide for periodic in-person observation by agency inspectors of tests undertaken for recertification under section 3. The appropriate Federal official may conduct inspections under this section at any time. The appropriate Federal official shall charge and collect fees from operators in amounts the appropriate Federal official determines are
sufficient to cover the expenses associated with inspections under this section.

SEC. 9. JUDICIAL REVIEW OF REGULATIONS.

Any person aggrieved by any regulation issued by the appropriate Federal official under this Act may seek judicial review of such regulation exclusively in the United States Court of Appeals for the District of Columbia Circuit.

SEC. 10. INVESTIGATIONS.

The appropriate Federal official is authorized to conduct investigations of violations or alleged or suspected violations of this Act or of any regulation or order issued under this Act. In any investigation conducted under this section, the appropriate Federal official shall have the authority to summon witnesses and to require the production of books, papers, documents, and any other evidence. Attendance of witnesses or the production of books, papers, documents, or any other evidence shall be compelled by a similar process as in the district courts of the United States.

SEC. 11. CITIZEN SUITS.

(a) IN GENERAL.—Any person may commence a civil action in a Federal district court of appropriate jurisdiction on such person’s own behalf to compel compliance with this Act, or any regulation or order issued under this
Act, against any person, including the United States, and any other government instrumentality or agency (to the extent permitted by the eleventh amendment to the Constitution) for any alleged violation of any provision of this Act or any regulation or order issued under this Act.

(b) NOTICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), no action may be commenced under subsection (a)—

(A) prior to 60 days after the plaintiff has given notice of the alleged violation, in writing under oath, to the appropriate Federal official, to the State in which the violation allegedly occurred or is occurring, and to any alleged violator; or

(B) if the Attorney General has commenced and is diligently prosecuting a civil action in a court of the United States or a State with respect to such matter, but in any such action in a court of the United States any person having a legal interest which is or may be adversely affected may intervene as a matter of right.

(2) EXCEPTION.—An action may be brought under this subsection immediately after notification
of the alleged violation in any case in which the al-
leged violation constitutes an imminent threat to the
public health or safety or the environment or would
immediately affect a legal interest of the plaintiff.

(c) INTERVENTION.—In any action commenced pur-
suant to this section, the Attorney General, upon the re-
quest of the appropriate Federal official, may intervene
as a matter of right.

(d) COSTS; SECURITY.—A court, in issuing any final
order in any action brought pursuant to this section, may
award costs of litigation, including reasonable attorney
and expert witness fees, to any party, whenever such court
determines such award is appropriate. The court may, if
a temporary restraining order or preliminary injunction
is sought, require the filing of a bond or equivalent secu-
rity in a sufficient amount to compensate for any loss or
damage suffered, in accordance with the Federal Rules of
Civil Procedure.

(e) SAVINGS.—Nothing in this section shall restrict
any right which any person or class of persons may have
under any other Federal or State law or common law to
seek appropriate relief.

SEC. 12. REMEDIES AND PENALTIES.

(a) INJUNCTIONS AND RESTRANING ORDERS.—At
the request of the appropriate Federal official, the Attor-
ney General or a United States attorney shall institute a
civil action in the district court of the United States for
the district in which the affected operation is located for
a temporary restraining order, injunction, or other appro-
priate remedy to enforce any provision of this Act or any
regulation or order issued under this Act.

(b) Civil Penalties; Hearing.—

(1) In General.—Except as provided in para-
graph (2), if any person fails to comply with any
provision of this Act or any regulation or order
issued under this Act, after notice of such failure
and expiration of any reasonable period allowed for
corrective action, such person shall be liable for a
civil penalty of not more than $75,000 for each day
of the continuance of such failure. The appropriate
Federal official may assess, collect, and compromise
any such penalty. No penalty shall be assessed until
the person charged with a violation has been given
an opportunity for a hearing. The appropriate Fed-
eral official shall, by regulation at least every 3
years, adjust the penalty specified in this paragraph
to reflect any increases in the Consumer Price Index
for all urban consumers.

(2) Threat of Serious Irreparable or Im-
mediate Harm.—If a failure described in para-
graph (1) constitutes or constituted a threat of serious, irreparable, or immediate harm or damage to life (including fish and other aquatic life), property, any mineral deposit, or the marine, coastal, or human environment, a civil penalty of not more than $150,000 shall be assessed for each day of the continuance of the failure.

(c) CRIMINAL PENALTIES.—Any person who knowingly and willfully—

(1) violates any provision of this Act, or any regulation or order issued under the authority of this Act, designed to protect the public health and safety or the environment;

(2) makes any false statement, representation, or certification in any application, record, report, or other document filed or required to be maintained under this Act; or

(3) falsifies, tampers with, or renders inaccurate any monitoring device or method of record required to be maintained under this Act,

shall, upon conviction, be punished by a fine of not more than $10,000,000, or by imprisonment for not more than 10 years, or both. Each day that a violation of paragraph (1) continues, or each day that any monitoring device or data recorder remains inoperative or inaccurate because
of any activity described in paragraph (3), shall constitute a separate violation.

(d) LIABILITY OF CORPORATE OFFICERS AND AGENTS FOR VIOLATIONS BY CORPORATION.—Whenever a corporation or other entity is subject to prosecution under subsection (c), any officer or agent of such corporation or entity who knowingly and willfully, or with willful disregard, authorized, ordered, or carried out the prescribed activity shall be subject to the same fines or imprisonment, or both, as provided for under subsection (c).

(e) CONCURRENT AND CUMULATIVE NATURE OF PENALTIES.—The remedies and penalties prescribed in this Act shall be concurrent and cumulative and the exercise of one shall not preclude the exercise of the others. Further, the remedies and penalties prescribed in this Act shall be in addition to any other remedies and penalties afforded by any other law or regulation.

SEC. 13. RETALIATION PROHIBITED.

(a) PROHIBITION.—No person or employer may discharge any employee or otherwise discriminate against any employee with respect to the employee’s compensation, terms, conditions, or other privileges of employment because the employee (or any person acting pursuant to a request of the employee)—
(1) notified the appropriate Federal official, a Federal or State law enforcement or regulatory agency, or the employee’s employer of an alleged violation of this Act, or any regulation or order under this Act, including notification of such an alleged violation through communications related to carrying out the employee’s job duties;

(2) refused to participate in any conduct that the employee reasonably believes is in noncompliance with a requirement of this Act, or any regulation or order under this Act, if the employee has identified the alleged noncompliance to the employer;

(3) testified before or otherwise provided information relevant for Congress or for any Federal or State proceeding regarding any provision (or proposed provision) of this Act;

(4) commenced, caused to be commenced, or is about to commence or cause to be commenced a proceeding under this Act;

(5) testified or is about to testify in any such proceeding; or

(6) assisted or participated or is about to assist or participate in any manner in such a proceeding or in any other action to carry out the purposes of this Act.
(b) Enforcement Action.—Any employee covered by this section who alleges discrimination by an employer in violation of subsection (a) may bring an action governed by the rules and procedures, legal burdens of proof, and remedies applicable under subsections (d) through (h) of section 20109 of title 49, United States Code. A party may seek district court review as set forth in subsection (d)(3) of such section not later than 90 days after receiving a written final determination by the Secretary of Labor.

SEC. 14. CHEMICAL SAFETY BOARD INVESTIGATION.

Section 112(r)(6) of the Clean Air Act (42 U.S.C. 7412(r)(6)) is amended by adding at the end the following:

"(T) Agreement.—Not later than 30 days after the date of enactment of this subparagraph, the Chemical Safety and Hazard Investigation Board, the Coast Guard, and the Department of the Interior shall enter into an agreement in order to facilitate the Board’s investigation of the facts, circumstances, and causes of a marine oil spill resulting from an accidental fire, explosion, or release involving an offshore oil exploration or production facility. Such agreement shall provide the Board with the following:
“(i) Unrestricted access to any personnel, records, witness statements, recorded witness interviews, and physical or documentary evidence related to an offshore drilling unit under investigation collected or possessed by the Coast Guard or the Department of the Interior.

“(ii) The ability to conduct recorded interviews of all agency personnel and contractors and the right to obtain records related to Federal regulatory, inspection, enforcement, and safety programs for offshore oil exploration and production.

“(iii) The right to participate equally in planning and executing any testing of relevant items of physical evidence related to the cause of accident.

“(iv) Such support and facilities as may be necessary for the Board’s investigation, including transportation to the accident site, coastal waters and affected areas, and other offshore oil exploration and production sites without cost to the Board.
“(U) RECOMMENDATIONS.—Upon completion of an investigation of an accidental fire, explosion, or release involving an offshore oil exploration or production facility, the Board shall make recommendations with respect to preventing subsequent accidental fires, explosions, or releases to the Secretary of the Interior and the Commandant of the Coast Guard. The Secretary of the Interior and the Commandant of the Coast Guard shall respond formally and in writing to any recommendation of the Board within 90 days of the receipt of such recommendations.”

SEC. 15. SAVINGS CLAUSE.

Nothing in this Act shall be construed to preempt regulation by any State or local government of oil and gas exploration and production wells drilled in State waters, on State lands, or on private lands within that State pursuant to the laws of that State or local government.

SEC. 16. DEFINITIONS.

In this Act:

(1) ADVISORY COMMITTEE.—The term “Advisory Committee” means the Well Control Technical Advisory Committee established pursuant to section 6(a).
(2) APPROPRIATE FEDERAL OFFICIAL.—The term “appropriate Federal official” means the Secretary of Energy, Secretary of the Interior, or Administrator of the Environmental Protection Agency, as designated for specific responsibilities provided in this Act by the President of the United States.

(3) BLIND SHEAR RAM.—The term “blind shear ram” means a device capable of cutting through a drill pipe and sealing a well.

(4) BLOWOUT.—The term “blowout” means the uncontrolled release of hydrocarbons or other materials from a well.

(5) BLOWOUT PREVENTER.—The term “blowout preventer” means a wellhead device or combination of devices designed and intended to prevent a blowout.

(6) CASING.—The term “casing” means any pipe permanently installed, or intended to be permanently installed, in a well.

(7) CASING SHEAR RAM.—The term “casing shear ram” means a device capable of cutting through casing.

(8) CEMENTING.—The term “cementing” means the practice of forcing cement into the annular space between the casing and the bore-hole or beh-
between any two pipes within the bore-hole to seal the well against the possibility of fluids or gases finding a flow path through that space.

(9) CEMENT BOND LOG.—The term “cement bond log” means a test conducted to determine the integrity and completeness of a cementing job for a given well or segment of a well by determining the extent to which the cement has filled annular spaces and bonded to pipes and surrounding formations.

(10) EXPLORATORY WELL.—The term “exploratory well” means a well intended to determine whether economically recoverable oil, natural gas, natural gas liquids, or other hydrocarbons exist in the geological deposits or strata to or through which the well is drilled.

(11) FLOW PATH.—The term “flow path” means a potential route by which hydrocarbons or other materials could migrate within a well.

(12) HIGH-RISK WELL.—The term “high-risk well” means—

(A) an offshore oil or gas exploration or production well within 200 nautical miles of the coast of the United States; or

(B) an onshore oil or gas exploration or production well in the United States, identified
pursuant to criteria established by the appropriate Federal official, that, in the event of a blowout, could lead to substantial harm to public health and safety or the environment.

(13) OPERATOR.—The term “operator” means, with respect to a high-risk well, the owner or lessee of the rights to explore for, or produce oil or gas through such well.

(14) PRESSURE TESTING.—The term “pressure testing” means testing under conditions of elevated hydrostatic pressure generated by natural or artificial means to determine well integrity, the effectiveness of cementing, or the effectiveness of equipment used in the well or to drill the well.

(15) PRODUCTION WELL.—The term “production well” means a well intended to allow the production of oil, natural gas, natural gas liquids, or other hydrocarbons.

(16) REMEDIAL CEMENTING.—The term “remedial cementing” means repairs to a cementing job that has been revealed to be incomplete, channeled, insufficiently bonded, or otherwise flawed.

(17) ROV.—The term “ROV” is an acronym for Remotely Operated Vehicle, and means an unmanned, remotely operated, submersible device that
is capable of relaying images or information, manipulating or operating various elements of a blowout preventer or other equipment on the seabed, or performing other subsea functions.

(18) **SYSTEM INTEGRATION TEST.**—The term “system integration test” means a test of the various elements of a blowout preventer, equipment associated with the use of such preventer, and the controls of the blowout preventer, as combined and configured for operation.

(19) **WELL CONTROL EVENT.**—The term “well control event” means a blowout or any event that threatens, if not controlled, to result in a blowout.