To authorize the use of certain offshore oil and gas platforms in the Gulf of Mexico for artificial reefs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

September 14, 2011

Mr. Vitter introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the use of certain offshore oil and gas platforms in the Gulf of Mexico for artificial reefs, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rigs to Reefs Habitat Protection Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) DECOMMISSIONING.—The term “decommissioning” includes the flushing, plugging, and cementing of a platform.
(2) **Fund.**—The term “Fund” means the Reef Maintenance Fund established by section 3(h)(1).

(3) **Notice.**—The term “Notice” means the notice to lessees numbered 2010–G05, entitled “Notice to Lessees and Operators of Federal Oil and Gas Leases and Pipeline Right-of-Way Holders in the Outer Continental Shelf, Gulf of Mexico OCS Region”, and issued September 15, 2010.

(4) **Platform.**—The term “platform” means an offshore oil and gas platform in the Gulf of Mexico that, as determined by the Secretary—

(A) is no longer useful for operations, as defined in the Notice; and

(B) has become critical for marine fisheries habitat.

(5) **Program.**—The term “Program” means the artificial reef program authorized under the National Fishing Enhancement Act of 1984 (33 U.S.C. 2101 et seq.).

(6) **Secretary.**—The term “Secretary” means the Secretary of the Interior.
SEC. 3. USE OF CERTAIN OFFSHORE OIL AND GAS PLATFORMS FOR ARTIFICIAL REEFS.

(a) Assessment.—As soon as practicable after the date of enactment of this Act, the Secretary shall conduct an assessment of each of the platforms—

(1) to determine whether there are coral populations or other protected species in the vicinity of the platform; and

(2) to identify any species in the vicinity of the platform that have recreational or commercial value.

(b) Prohibition of Removal.—

(1) In general.—Notwithstanding the Notice, no platforms shall be removed in accordance with the Notice until the date on which the Secretary has completed assessments of each of the platforms under subsection (a).

(2) Suspension of Decommissioning.—If, during an assessment conducted under subsection (a), the Secretary determines that there is a substantial reef ecosystem in the vicinity of the platform, the decommissioning of the platform under the Notice shall be placed on hold until such time as the Secretary determines that decommissioning the platform would not harm the reef ecosystem.

(c) Exemption From Certain Requirements.—The requirement in the Notice that a lessee remove a plat-
form as soon as possible, but not later than 5 years after
the effective date of the Notice or within 5 years of the
platform, meeting the definition of no longer useful for
operations, whichever is later, shall not apply to a lessee
that—

(1) commits to entering the platform in the
Program; and

(2) demonstrates the commitment described in
paragraph (1) by initiating discussions with applica-
able States regarding potential sites for the artificial
reef.

(d) Reefing in Place.—A lessee may, as appro-
propriate, provide for reefing in place under the Program.

(e) State Programs.—

(1) In General.—A State that has a State rig-
to-reef program may enter into an agreement with
any appropriate entities to assume liability in Fed-
eral water for a structure covered by the State pro-
gram.

(2) Maintenance.—Notwithstanding an agree-
ment entered into under paragraph (1), the operator
of the covered structure shall remain responsible for
maintaining the covered structure.

(f) Removal of Top Decks.—Under the Program,
top decks of a rig may be removed, down to water surface
level, if appropriate identifying markers are used to pro-
tect navigation.

(g) MAINTENANCE AND FINANCIAL REQUIRE-
MENTS.—As a condition of inclusion in the Program, the
owner of a rig enrolled in the Program shall be required
to—

(1) maintain an anode system for the rig; and

(2) pay into the Fund an amount equal to 50
percent of the estimated costs associated with the re-
moval of the platform that the owner would have
been responsible for if the owner had not partici-
pated in the Program, as determined by the Sec-
retary.

(h) REEF MAINTENANCE FUND.—

(1) ESTABLISHMENT.—There is established in
the Treasury of the United States a fund to be
known as the “Reef Maintenance Fund”, to be ad-
ministered by the Secretary, to be available without
fiscal year limitation and not subject to appropria-
tion, for the maintenance of artificial reefs estab-
lished under the Program.

(2) TRANSFERS TO FUND.—The Fund shall
consist of such amounts deposited in the Fund
under subsection (g)(2).
(3) **Prohibition.**—Amounts in the Fund may not be made available for any purpose other than a purpose described in paragraph (1).

(4) **Annual reports.**—

(A) **In general.**—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2012, the Secretary shall submit to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives a report on the operation of the Fund during the fiscal year.

(B) **Contents.**—Each report shall include, for the fiscal year covered by the report, the following:

(i) A statement of the amounts deposited into the Fund.

(ii) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

(iii) Recommendations for additional authorities to fulfill the purpose of the Fund.
(iv) A statement of the balance remaining in the Fund at the end of the fiscal year.