

113TH CONGRESS
1ST SESSION

S. 96

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

JANUARY 23 (legislative day, JANUARY 3), 2013

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.

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 “Rigs to Reefs Habitat
5 Protection Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) DECOMMISSIONING.—The term “decommis-
9 sioning” includes the flushing, plugging, and ce-
10 menting of a platform.

1 (2) FUND.—The term “Fund” means the Reef
2 Maintenance Fund established by section 3(h)(1).

3 (3) NOTICE.—The term “Notice” means the
4 notice to lessees numbered 2010–G05, entitled “No-
5 tice to Lessees and Operators of Federal Oil and
6 Gas Leases and Pipeline Right-of-Way Holders in
7 the Outer Continental Shelf, Gulf of Mexico OCS
8 Region”, and issued September 15, 2010.

9 (4) PLATFORM.—The term “platform” means
10 an offshore oil and gas platform in the Gulf of Mex-
11 ico that, as determined by the Secretary—

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

14 (B) has become critical for marine fisheries
15 habitat.

16 (5) PROGRAM.—The term “Program” means
17 the artificial reef program authorized under the Na-
18 tional Fishing Enhancement Act of 1984 (33 U.S.C.
19 2101 et seq.).

20 (6) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

1 **SEC. 3. USE OF CERTAIN OFFSHORE OIL AND GAS PLAT-**
2 **FORMS FOR ARTIFICIAL REEFS.**

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

6 (1) to determine whether there are coral popu-
7 lations or other protected species in the vicinity of
8 the platform; and

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

11 (b) PROHIBITION OF REMOVAL.—

12 (1) IN GENERAL.—Notwithstanding the Notice,
13 no platforms shall be removed in accordance with
14 the Notice until the date on which the Secretary has
15 completed assessments of each of the platforms
16 under subsection (a).

17 (2) SUSPENSION OF DECOMMISSIONING.—If,
18 during an assessment conducted under subsection
19 (a), the Secretary determines that there is a sub-
20 stantial reef ecosystem in the vicinity of the plat-
21 form, the decommissioning of the platform under the
22 Notice shall be placed on hold until such time as the
23 Secretary determines that decommissioning the plat-
24 form would not harm the reef ecosystem.

25 (c) EXEMPTION FROM CERTAIN REQUIREMENTS.—
26 The requirement in the Notice that a lessee remove a plat-

1 form as soon as possible, but not later than 5 years after
2 the effective date of the Notice or within 5 years of the
3 platform, meeting the definition of no longer useful for
4 operations, whichever is later, shall not apply to a lessee
5 that—

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

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

12 (d) REEFING IN PLACE.—A lessee may, as appro-
13 priate, provide for reefing in place under the Program.

14 (e) STATE PROGRAMS.—

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

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

24 (f) REMOVAL OF TOP DECKS.—Under the Program,
25 top decks of a rig may be removed, down to water surface

1 level, if appropriate identifying markers are used to pro-
2 tect navigation.

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

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

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

14 (h) REEF MAINTENANCE FUND.—

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

22 (2) TRANSFERS TO FUND.—The Fund shall
23 consist of such amounts deposited in the Fund
24 under subsection (g)(2).

1 (3) PROHIBITION.—Amounts in the Fund may
2 not be made available for any purpose other than a
3 purpose described in paragraph (1).

4 (4) ANNUAL REPORTS.—

5 (A) IN GENERAL.—Not later than 60 days
6 after the end of each fiscal year beginning with
7 fiscal year 2013, the Secretary shall submit to
8 the Committee on Appropriations of the House
9 of Representatives, the Committee on Appro-
10 priations of the Senate, the Committee on En-
11 ergy and Natural Resources of the Senate, and
12 the Committee on Natural Resources of the
13 House of Representatives a report on the oper-
14 ation of the Fund during the fiscal year.

15 (B) CONTENTS.—Each report shall in-
16 clude, for the fiscal year covered by the report,
17 the following:

18 (i) A statement of the amounts depos-
19 ited into the Fund.

20 (ii) A description of the expenditures
21 made from the Fund for the fiscal year, in-
22 cluding the purpose of the expenditures.

23 (iii) Recommendations for additional
24 authorities to fulfill the purpose of the
25 Fund.

- 1 (iv) A statement of the balance re-
- 2 maining in the Fund at the end of the fis-
- 3 cal year.

