

118TH CONGRESS
1ST SESSION

H. R. 6814

To require the Under Secretary of Commerce for Oceans and Atmosphere to assess certain offshore oil and gas platforms and pipelines for potential use as artificial reefs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2023

Mr. GRAVES of Louisiana (for himself and Mr. VEASEY) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To require the Under Secretary of Commerce for Oceans and Atmosphere to assess certain offshore oil and gas platforms and pipelines for potential use as 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 “Marine Fisheries Habi-
5 tat Protection Act”.

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

4 (a) NATIONAL FISHING ENHANCEMENT ACT OF
5 1984.—The National Fishing Enhancement Act of 1984
6 (33 U.S.C. 2101 et seq.) is amended—

7 (1) by amending section 206 (33 U.S.C. 2105)
8 to read as follows:

9 **“SEC. 206. DEFINITIONS.**

10 “In this title:

11 “(1) ARTIFICIAL REEF.—The term ‘artificial
12 reef’ means a structure which is constructed or
13 placed in waters covered under this title for the pur-
14 pose of enhancing fishery resources and commercial
15 and recreational fishing opportunities.

16 “(2) DECOMMISSIONING.—The term ‘decommis-
17 sioning’ mean ending oil, gas, or sulphur operations
18 on an offshore lease, right-of-way, or right-of-use
19 and easement and returning the area subject to such
20 lease, right-of-way, or right-of-use and easement to
21 a condition that complies with applicable law, includ-
22 ing by removing caissons and idle structures.

23 “(3) ESTABLISHED REEF ECOSYSTEM.—The
24 term ‘established reef ecosystem’ means an area
25 with identified reef-associated species, including spe-

1 cies of corals, crustaceans, or fish that are managed
2 under—

3 “(A) a fishery management plan of the
4 National Oceanic and Atmospheric Administra-
5 tion; or

6 “(B) a State management plan for reef-as-
7 sociated species.

8 “(4) IDLE STRUCTURE.—The term ‘idle struc-
9 ture’ means—

10 “(A) an oil or gas pipeline, and associated
11 equipment and infrastructure, that the Sec-
12 retary of the Interior has determined is no
13 longer useful for operations; and

14 “(B) an offshore oil and gas platform or
15 similar structure, and associated equipment and
16 infrastructure, that is no longer useful for oper-
17 ations, as determined by the Secretary of the
18 Interior.

19 “(5) PARTIAL REMOVAL.—The term ‘partial re-
20 moval’ means—

21 “(A) the severance of the top portion of a
22 structure at a level appropriate to maintain
23 navigational safety, as determined by the Sec-
24 retary of the Interior in consultation with the
25 Commandant of the Coast Guard; and

1 “(B) optionally, the placement of the sev-
2 ered portion of the structure on the sea floor
3 adjacent to the base of the nonsevered portion
4 of the structure.

5 “(6) REEF IN PLACE.—The term ‘reef in place’
6 means decommissioning through topple in place or
7 partial removal that—

8 “(A) attempts to maximize habitat for
9 benthic and pelagic species throughout the en-
10 tirety of the water column; and

11 “(B) is appropriate to maintain naviga-
12 tional safety.

13 “(7) STATE.—The term ‘State’ means a State
14 of the United States, the District of Columbia, Puer-
15 to Rico, the United States Virgin Islands, American
16 Samoa, Guam, Johnston Island, Midway Island, and
17 Wake Island.

18 “(8) TOPPLE IN PLACE.—The term ‘topple in
19 place’ means detaching a structure from the seabed
20 and toppling the structure onto its side on the sea-
21 bed in the same area where the structure was origi-
22 nally attached.

23 “(9) WATERS COVERED UNDER THIS TITLE.—
24 The term ‘waters covered under this title’ means the
25 navigable waters of the United States and the

1 waters superjacent to the Outer Continental Shelf as
2 defined in section 2 of the Outer Continental Shelf
3 Lands Act (43 U.S.C. 1331), to the extent such
4 waters exist in or are adjacent to any State.”; and

5 (2) by amending section 207 to read as follows:

6 **“SEC. 207. REEF IN PLACE.**

7 “(a) REEF IN PLACE.—

8 “(1) IN GENERAL.—Not later than 5 years
9 after the date on which a lessee, right-of-way holder,
10 or owner of an idle structure files a notice of intent
11 under section 5(k)(4) of the Outer Continental Shelf
12 Lands Act (43 U.S.C. 1334(k)(4)) with respect to
13 the idle structure, such lessee, right-of-way holder,
14 or owner may reef in place the idle structure if the
15 Secretary of the Interior determines—

16 “(A) the idle structure is sound and se-
17 cure; and

18 “(B) the lessee, right-of-way holder, or
19 owner has, with respect to the idle structure—

20 “(i) removed all hydrocarbons and
21 other hazardous liquids;

22 “(ii) if required by law or regulation,
23 installed identifying markers to protect
24 and aid navigation;

1 “(iii) no outstanding responsibility or
2 liability; and

3 “(iv) transferred, or has an agreement
4 to transfer, liability to a Federal or State
5 agency.

6 “(2) DESIGNATION OF REEF PLANNING
7 AREAS.—The Administrator of the National Oceanic
8 and Atmospheric Administration—

9 “(A) may designate the immediate vicinity
10 of an idle structure that is reefed in place under
11 paragraph (1) as a reef planning area pursuant
12 to the National Artificial Reef Plan published
13 under section 204; and

14 “(B) upon the request of the head of a
15 State program to convert idle structures into
16 artificial reefs, may designate the immediate vi-
17 cinity of an idle structure that is reefed in place
18 under such program as a reef planning area
19 pursuant to the National Artificial Reef Plan
20 published under section 204.

21 “(3) FAILURE TO REEF IN PLACE.—Notwith-
22 standing section 5(k)(4) of the Outer Continental
23 Shelf Lands Act (43 U.S.C. 1334(k)(4)), if a lessee,
24 right-of-way holder, or owner of an idle structure
25 does not reef in place the idle structure within the

1 time period described in paragraph (1) for the idle
2 structure, such lessee, right-of-way holder, or owner
3 shall resume decommissioning the idle structure pur-
4 suant to the Outer Continental Shelf Lands Act (43
5 U.S.C. 1331 et seq.) through means other than
6 reefing in place.

7 “(b) STATE PROGRAMS.—

8 “(1) IN GENERAL.—A State that has a pro-
9 gram to convert idle structures into artificial reefs
10 may enter into an agreement with any appropriate
11 entity to assume responsibility and liability for an
12 idle structure located in waters covered under this
13 title in exchange for an amount of funds that—

14 “(A) is determined by the State; and

15 “(B) does not exceed 50 percent of the
16 amount required to remove the idle structure,
17 as determined by the appropriate entity and ap-
18 proved by the State, unless the appropriate en-
19 tity consents to a greater amount.

20 “(2) LIABILITY.—Upon acceptance by a State
21 of an idle structure into a State program described
22 in paragraph (1)—

23 “(A) the appropriate entity shall have no
24 responsibility or liability with respect to the idle
25 structure; and

1 “(B) the State shall be—

2 “(i) responsible for the continued
3 maintenance of the idle structure, includ-
4 ing maintaining any identifying markers
5 installed to protect and aid navigation; and

6 “(ii) exclusively responsible and liable
7 for the idle structure.

8 “(3) USE OF STATE FUNDS.—Funds received
9 by a State under paragraph (1) may be used by the
10 State for costs associated with—

11 “(A) respect to the idle structure—

12 “(i) liability coverage;

13 “(ii) maintenance and upkeep; and

14 “(iii) the installation and operation of
15 passive technologies on the idle structure
16 to monitor the health and size of the corals
17 and fish stocks that use the idle structure
18 as a habitat;

19 “(B) coastal restoration projects; and

20 “(C) coastal enhancement projects.

21 “(c) ASSESSMENT.—

22 “(1) IN GENERAL.—The Administrator of the
23 National Oceanic and Atmospheric Administration
24 shall conduct an assessment of each idle structure,
25 which shall, with respect to each idle structure—

1 “(A) include an assessment of—

2 “(i) the localized corals and fish spe-
3 cies that use the idle structure as a habi-
4 tat; and

5 “(ii) the economic impacts of reefing
6 in place, including a comparison of the
7 benefits afforded by reef-associated species
8 if the idle structure is reefed in place with
9 the costs of lost fishing opportunity if the
10 idle structure is removed; and

11 “(B) determine whether there is an estab-
12 lished reef ecosystem on, under, or in the imme-
13 diate vicinity of the idle structure.

14 “(2) DETERMINATION CONDUCTED BY OTHER
15 PARTY.—

16 “(A) IN GENERAL.—Upon the request of a
17 lessee, right-of-way holder, or owner of an idle
18 structure, the Administrator of the National
19 Oceanic and Atmospheric Administration shall
20 enter into an agreement with such lessee, right-
21 of-way holder, or owner under which, subject to
22 the approval of the Administrator under sub-
23 paragraph (B), such lessee, right-of-way holder,
24 or owner—

1 “(i) makes, or enters into an agree-
2 ment with another party (including a
3 State) for that party to make, the deter-
4 mination described in paragraph (1)(B) for
5 the idle structure; and

6 “(ii) submits such determination to
7 the Administrator.

8 “(B) REVIEW OF DETERMINATION.—Not
9 later than 90 days after receipt of a determina-
10 tion under subparagraph (A)(ii), the Adminis-
11 trator of the National Oceanic and Atmospheric
12 Administration shall review and—

13 “(i) approve the determination; or

14 “(ii) reject the determination and pro-
15 vide the party that submitted the deter-
16 mination with a description of the changes,
17 including specific action items, to the re-
18 jected determination that are necessary for
19 the Administrator to approve the rejected
20 determination.

21 “(C) DEFAULT TREATMENT.—If the Ad-
22 ministrator of the National Oceanic and Atmos-
23 pheric Administration does not approve or re-
24 ject a determination received under subpara-
25 graph (A)(ii) within the period described in sub-

1 paragraph (B), such determination shall be
2 treated as if it was approved by the Adminis-
3 trator under subparagraph (B)(i).

4 “(3) OFFSHORE INFRASTRUCTURE DASHBOARD
5 INFORMATION.—Upon the request of the Adminis-
6 trator of the National Oceanic and Atmospheric Ad-
7 ministration or a lessee, right-of-way holder, or
8 owner of an idle structure, the Secretary of the Inte-
9 rior shall submit to the requesting party information
10 from the Offshore Infrastructure Dashboard estab-
11 lished under section 2(c) of the Marine Fisheries
12 Habitat Protection Act that is relevant to the com-
13 pletion of an assessment or determination for an idle
14 structure under paragraph (1) or (2), respectively.

15 “(4) REPORT.—Not later than 1 year after the
16 date of the enactment of this subsection, and annu-
17 ally thereafter, the Administrator of the National
18 Oceanic and Atmospheric Administration shall sub-
19 mit to the Secretary of the Interior a report regard-
20 ing each assessment conducted and determination
21 approved under paragraphs (1) and (2), respectively,
22 which shall include an identification of and map
23 each idle structure that supports an established reef
24 ecosystem, as determined under paragraph (1)(B) or
25 subparagraph (B) or (C) of paragraph (2).”.

1 (b) OUTER CONTINENTAL SHELF LANDS ACT.—Sec-
2 tion 5 of the Outer Continental Shelf Lands Act (43
3 U.S.C. 1334) is amended by adding at the end the fol-
4 lowing:

5 “(k) ARTIFICIAL REEFS.—

6 “(1) DEFINITIONS.—In this subsection:

7 “(A) ADMINISTRATOR.—The term ‘Admin-
8 istrator’ means the Under Secretary of Com-
9 merce for Oceans and Atmosphere in the Under
10 Secretary’s capacity as Administrator of the
11 National Oceanic and Atmospheric Administra-
12 tion.

13 “(B) DECOMMISSIONING.—The term ‘de-
14 commissioning’ means ending oil, gas, or sul-
15 phur operations on an offshore lease, right-of-
16 way, or right-of-use and easement and return-
17 ing the area subject to such lease, right-of-way,
18 or right-of-use and easement to a condition that
19 complies with applicable law, including by re-
20 moving caissons and idle structures.

21 “(C) ESTABLISHED REEF ECOSYSTEM.—
22 The term ‘established reef ecosystem’ means an
23 area with identified reef-associated species, in-
24 cluding species of corals, crustaceans, or fish
25 that are managed under—

1 “(i) a fishery management plan of the
2 National Oceanic and Atmospheric Admin-
3 istration; or

4 “(ii) a State management plan for
5 reef-associated species.

6 “(D) IDLE STRUCTURE.—The term ‘idle
7 structure’ means—

8 “(i) an oil or gas pipeline, and associ-
9 ated equipment and infrastructure, that
10 the Secretary of the Interior has deter-
11 mined is no longer useful for operations;
12 and

13 “(ii) an offshore oil and gas platform
14 or similar structure, and associated equip-
15 ment and infrastructure, that is no longer
16 useful for operations, as determined by the
17 Secretary of the Interior.

18 “(E) PARTIAL REMOVAL.—The term ‘par-
19 tial removal’ means—

20 “(i) the severance of the top portion
21 of a structure at a level appropriate to
22 maintain navigational safety, as deter-
23 mined by the Secretary of the Interior in
24 consultation with the Commandant of the
25 Coast Guard; and

1 “(ii) optionally, the placement of the
2 severed portion of the structure on the sea
3 floor adjacent to the base of the nonsev-
4 ered portion of the structure.

5 “(F) PROGRAM.—The term ‘Program’
6 means the artificial reef program authorized
7 under the National Fishing Enhancement Act
8 of 1984 (33 U.S.C. 2101 et seq.).

9 “(G) REEF IN PLACE.—The term ‘reef in
10 place’ means decommissioning through topple in
11 place or partial removal that—

12 “(i) attempts to maximize habitat for
13 benthic and pelagic species throughout the
14 entirety of the water column; and

15 “(ii) is appropriate to maintain navi-
16 gational safety.

17 “(H) TOPPLE IN PLACE.—The term ‘top-
18 ple in place’ means detaching a structure from
19 the seabed and toppling the structure onto its
20 side on the seabed in the same area where the
21 structure was originally attached.

22 “(2) PROHIBITION ON REMOVAL.—

23 “(A) IN GENERAL.—The Secretary of the
24 Interior may not require a lessee, right-of-way
25 holder, or owner of an idle structure to remove

1 the idle structure until the date on which the
2 Administrator submits a report under section
3 207(c)(4) of the National Fishing Enhancement
4 Act of 1984 with respect to such idle structure.

5 “(B) EXCEPTION.—Subparagraph (A)
6 does not apply with respect to an idle structure
7 that the Secretary of the Interior determines
8 poses a substantial threat to—

9 “(i) navigational safety; or

10 “(ii) the marine environment.

11 “(3) SUSPENSION OF REMOVAL.—If, during or
12 as the result of an assessment conducted or deter-
13 mination approved under paragraph (1) or (2) of
14 section 207(c) of the National Fishing Enhancement
15 Act of 1984, respectively, the Administrator deter-
16 mines that there is an established reef ecosystem on,
17 under, or in the immediate vicinity of an idle struc-
18 ture, the removal of the idle structure shall be sus-
19 pended until the date on which the Secretary of the
20 Interior, in consultation with the Administrator, de-
21 termines whether—

22 “(A) the continued presence of the idle
23 structure would benefit the marine environment
24 on, under, or in the immediate vicinity of the

1 idle structure as a habitat for fish, mollusks, or
2 corals or other marine life;

3 “(B) the removal of the idle structure
4 would harm—

5 “(i) the established reef ecosystem; or

6 “(ii) be otherwise detrimental to the
7 biodiversity of the marine environment on,
8 under, or in the immediate vicinity of the
9 idle structure;

10 “(C) each oil and gas well associated with
11 the idle structure has been temporarily aban-
12 doned through zonal isolation, permanently
13 plugged and abandoned, or otherwise secured
14 and each involved pipeline has been flushed of
15 all hydrocarbons and filled with seawater; and

16 “(D) the idle structure poses no risk to the
17 marine environment on, under, or in the imme-
18 diate vicinity of the idle structure.

19 “(4) EXEMPTION FROM REMOVAL.—If the Sec-
20 retary of the Interior, in consultation with the Ad-
21 ministrator, makes an affirmative determination
22 under paragraph (3), the Secretary of the Interior
23 may not require a lessee, right-of-way holder, or
24 owner of an idle structure to remove the idle struc-

1 ture associated with such determination if the lessee,
2 right-of-way holder, or owner—

3 “(A) files a notice of intent with the Bu-
4 reau of Safety and Environmental Enforcement
5 and the United States Army Corps of Engi-
6 neers in which the lessee, right-of-way holder,
7 or owner commits to entering the idle structure
8 in the Program;

9 “(B) initiates discussions with a wildlife
10 and fisheries agency or other regulatory author-
11 ity of the State of which the extended seaward
12 boundary through the exclusive economic zone
13 includes the idle structure regarding potential
14 sites for the artificial reef, pursuant to the no-
15 tice of intent filed by the lessee, right-of-way
16 holder, or owner under subparagraph (A);

17 “(C) not later than 2 years after the date
18 the lessee, right-of-way holder, or owner files a
19 notice of intent under subparagraph (A)—

20 “(i) permanently plugs, abandons, se-
21 cures, and seals each well associated with
22 the idle structure; and

23 “(ii) flushes each involved pipeline of
24 all hydrocarbons and fills each such pipe-
25 line with seawater; and

1 “(D) agrees to accept all liability with re-
2 spect to the idle structure until—

3 “(i) the idle structure is reefed in
4 place under section 207(a) of the National
5 Fishing Enhancement Act of 1984; and

6 “(ii) the lessee, right-of-way holder, or
7 owner has transferred liability for the idle
8 structure to a Federal or State agency.”.

9 (c) OFFSHORE OIL AND GAS PLATFORMS AND PIPE-
10 LINES DATABASE.—The Secretary of the Interior, acting
11 through the Director of the Bureau of Safety and Envi-
12 ronmental Enforcement, shall create and maintain an Off-
13 shore Infrastructure Dashboard for the Gulf of Mexico re-
14 gion that shall—

15 (1) be updated not less frequently than every 6
16 months;

17 (2) be made available to the public; and

18 (3) contain information regarding the decom-
19 missioning of oil and gas platforms and pipelines
20 and the potential of such oil and gas platforms and
21 pipelines for reef in place (as defined in section
22 5(k)(1) of the Outer Continental Shelf Lands Act
23 (43 U.S.C. 1334(k)(1)), as added by this section) in-
24 cluding—

1 (A) the number of oil and gas platforms in
2 the Gulf of Mexico region;

3 (B) the number and approximate location
4 of each oil and gas platform that—

5 (i) is eligible for decommissioning pur-
6 suant to the Outer Continental Shelf
7 Lands Act (43 U.S.C. 1301 et seq.); and

8 (ii) has an approved decommissioning
9 plan and a planned disposition pursuant to
10 such Act, including—

11 (I) if the oil and gas platform
12 will be entered into the artificial reef
13 program authorized under the Na-
14 tional Fishing Enhancement Act of
15 1984 (33 U.S.C. 2101 et seq.) (re-
16 ferred to in this section as the “Pro-
17 gram”);

18 (II) if the oil and gas platform
19 will not be entered into the Program,
20 a reason for not doing so; and

21 (III) each oil and gas platform
22 granted an exemption from removal
23 under section 5(k)(4) of the Outer
24 Continental Shelf Lands Act (43

1 U.S.C. 1334(k)(4)), as added by this
2 section; and

3 (C) the length in miles and approximate lo-
4 cation of each—

5 (i) section of oil and gas pipeline that
6 is eligible for decommissioning pursuant to
7 the Outer Continental Shelf Lands Act (43
8 U.S.C. 1301 et seq.); and

9 (ii) oil and gas pipeline with an ap-
10 proved decommissioning plan pursuant to
11 such Act.

○