

OFFSHORE PIPELINE SAFETY ACT

DECEMBER 14, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2643]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2643) to require the Bureau of Safety and Environmental Enforcement to further develop, finalize, and implement updated regulations for offshore oil and gas pipelines to address long-standing limitations regarding its ability to ensure active pipeline integrity and address safety and environmental risks associated with decommissioning, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Offshore Pipeline Safety Act”.

SEC. 2. FINALIZATION OF REGULATIONS RELATED TO OFFSHORE PIPELINES.

Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Safety and Environmental Enforcement, shall issue final regulations relating to Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Pipelines and Pipeline Rights-of-Way (72 Fed. Reg. 56,442 (Oct. 3, 2007)). Such regulations shall require owners of oil and gas pipelines subject to such regulations—

(1) to provide for internal and external inspections of pipelines by a third-party no less frequently than every two years, unless the Director of the Bureau determines that any such inspection is not required; and

(2) to equip such pipelines with a leak detection system or device that provides continuous volumetric comparison between the pipeline’s product input

and output and includes alarms and adequate sensitivity to detect variations between input and discharge volumes to enable any leaks from the pipeline to be detected as quickly as possible.

SEC. 3. ADDRESSING ENVIRONMENTAL RISKS OF DECOMMISSIONING PIPELINES.

(a) **STUDY ON ENVIRONMENTAL RISKS OF DECOMMISSIONING PIPELINES VERSUS REMOVING PIPELINES.**—

(1) **STUDY.**—The Directors of the Bureau of Safety and Environmental Enforcement and the Bureau of Ocean Energy Management shall jointly conduct a study to evaluate the environmental benefits and risks associated with decommissioning oil and gas pipelines in place on the sea floor compared to removing such pipelines. Such study shall include—

(A) an evaluation of pipelines that have been decommissioned in place, identifying decommissioned pipelines at high-risk of causing safety and environmental harm, causing obstructions, or otherwise unduly interfering with present or future uses of the outer continental shelf; and

(B) recommendations on the best uses of the revenues generated by the annual pipelines fees as authorized by subsection (d).

(2) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Directors shall transmit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, detailing the findings and determinations of the study, including any recommendations for legislation.

(b) **REQUIRED CONSIDERATIONS IN REVIEWING DECOMMISSIONING APPLICATIONS.**—In determining whether to permit an owner to decommission an oil or gas pipeline, the Bureau of Safety and Environmental Enforcement, shall fully consider whether the offshore oil and gas pipeline constitutes a hazard to navigation and commercial and recreational fishing operations, unduly interferes with other uses of the outer continental shelf, or has adverse environmental effects.

(c) **ONGOING MONITORING OF DECOMMISSIONED PIPELINES.**—The Bureau of Safety and Environmental Enforcement shall continually monitor the condition and location of all oil and gas pipelines that have been decommissioned and remain in place, and shall maintain all relevant records of such monitoring.

(d) **ANNUAL PIPELINE OWNERS FEE.**—Not later than 180 after the date of enactment of this Act, the Bureau of Safety and Environmental Enforcement shall issue regulations to assess an annual fee on owners of offshore oil and gas pipelines for the purpose of providing the Bureau with funds to decommission or remove such pipelines in the event an owner files for bankruptcy. Such fee shall be no less than—

(1) \$10,000 per mile for such pipelines in water with a depth of 500 feet or greater; and

(2) \$1,000 per mile for pipelines in water depth of under 500 feet.

SEC. 4. REQUIREMENT RELATING TO EXPOSED SEGMENTS OF OFFSHORE PIPELINES.

If the Bureau of Safety and Environmental Enforcement identifies any exposed segment of any active or decommissioned pipeline, the Bureau shall either remove the pipeline from the ocean or ensure it is properly decommissioned and does not pose a threat. If a segment of any active pipeline is exposed or shifts, the Bureau shall re-secure such segment to the sea floor.

SEC. 5. COMPLETION OF STUDY RELATING TO ENVIRONMENT RISKS OF CHEMICAL PRODUCTS USED IN OIL AND GAS OPERATIONS.

(a) **COMPLETION OF STUDY.**—The Bureau of Safety and Environmental Enforcement shall complete a study addressing the risks to the environment of chemical products used in oil and gas operations including umbilical lines. In conducting the study, the Bureau shall seek input from chemical suppliers and the oil and gas industry.

(b) **REPORT.**—Not later than two years after the date of enactment of this Act, the Bureau shall transmit a report of the findings and determinations in such study to Congress, including any recommendations for legislation.

SEC. 6. EFFECTIVE DATE.

No provision of this Act shall take effect without considering whether such action will result in a reduction of reef fish habitat.

PURPOSE OF THE BILL

The purpose of H.R. 2643 is to require the Bureau of Safety and Environmental Enforcement to further develop, finalize, and implement updated regulations for offshore oil and gas pipelines to ad-

dress long-standing limitations regarding its ability to ensure active pipeline integrity and address safety and environmental risks associated with decommissioning.

BACKGROUND AND NEED FOR LEGISLATION

The Department of the Interior (DOI) manages offshore oil and gas development on the Outer Continental Shelf (OCS). In 2019, 16% of all U.S. oil production and 3% of natural gas production came from offshore federal OCS leases, almost all of which was produced in the Gulf of Mexico. Offshore development requires extensive infrastructure, including pipelines containing oil, gas, water, or chemicals. Approximately 8,600 miles of active pipelines in the Gulf and 208 miles of active pipelines off California connect wells with near-shore and onshore processing and transport facilities. In addition to transporting fossil fuels that contribute to climate change, this infrastructure poses threats to coastal communities, environmental resources and wetlands, wildlife, navigation, and other users of the OCS.

For example, in October 2021, the San Pedro Bay pipeline ruptured off the Southern California coast near Huntington Beach, spilling nearly 25,000 gallons of oil after being struck by an anchor in the previous weeks.¹ The San Pedro Bay pipeline is a 41-year-old, 17.7-mile pipeline connecting the Elly Platform with a pumping station in Long Beach, California. The Elly Platform processes crude oil produced from two other nearby platforms, Ellen and Eureka. All three platforms were installed in the 1980s and are located on federal OCS leases regulated by the Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE). In September 2022, the company that owns the pipeline pleaded no contest to six criminal charges related to the oil spill and agreed to install an improved leak detection system and conduct more frequent visual inspections.²

Natural disasters also pose significant risks to offshore oil pipelines. In the Gulf of Mexico, hurricane winds, waves, currents, and mudslides can damage active and abandoned oil and gas infrastructure not properly decommissioned. Hurricanes can topple platforms, move pipelines, and destroy wells. With storms strengthening due to climate change, aging infrastructure represents a growing threat to coastal communities, wetlands, and wildlife.

The risks posed by the oil and gas infrastructure, including the spiderweb of active, abandoned, and orphaned pipelines in the Gulf, became evident when Hurricane Ida tore through the region in late August 2021.³ In the wake of the Category 4 storm, satellite imagery captured multiple oil spills.⁴ The storm triggered the most Gulf oil spills identified from space following a weather event since

¹ Sutton, Joe. "Major oil spill off coast of Southern California threatens shores from Huntington Beach to Laguna Beach." *CNN*. Oct. 4, 2021. <https://www.cnn.com/2021/10/04/us/california-oil-spill-monday/index.html>.

² "Amplify Energy to pay over \$5 mln to settle criminal charges over the California oil spill," *Reuters*. September 8, 2022 <https://www.reuters.com/markets/commodities/amplify-energy-pay-5-mln-settle-criminal-charges-over-california-oil-spill-2022-09-08/>.

³ Marks, Michael and Shelly Brisbin. "As more and stronger storms hit the Gulf, risks to old oil and gas infrastructure grow." *Texas Standard*. Sept. 10, 2021. <https://www.texasstandard.org/stories/as-more-and-stronger-storms-hit-the-gulf-risks-to-old-oil-and-gas-infrastructure-grow/>.

⁴ Tabuchi, Hirono, and Blacki Migliozi. "Satellite Images Find 'Substantial' Oil Spill in Gulf After Ida." *Sept. 4, 2021*. <https://www.nytimes.com/2021/09/04/climate/oil-spill-hurricane-ida.html>.

the federal government began tracking leaks and spills using satellites a decade ago.⁵ Abandoned pipelines and other aging infrastructure are believed to be a major source of these spills, which have impacted environmentally sensitive areas and coastal Gulf barriers already suffering from the effects of climate change.

On April 19, 2021, the U.S. Government Accountability Office (GAO) released a report that found issues in the BSEE's oversight of both active and abandoned offshore oil and gas pipelines on the OCS. According to GAO, BSEE does not require or conduct comprehensive subsea inspections of the approximately 8,600 miles of active pipelines located on the Gulf of Mexico seafloor, depends on unreliable sensing equipment to assess pipeline integrity, lacks standard tracking of movement or exposure of active pipelines, and has little knowledge of the condition, location, and threats presented by thousands of miles of active offshore pipeline. Outdated BSEE regulations also prohibit regulators from compelling industry usage of new, safer technologies.

The GAO report also investigated abandoned offshore pipelines and found that since the 1960s, the oil and gas industry has left approximately 18,000 miles of "decommissioned" pipelines, making up over 97% of pipelines on the seafloor in the Gulf region. Abandoning pipelines in the ocean has become the standard practice, rather than the exception, as was originally intended. Current regulations don't require studies of the chemicals and materials that may leak into the ocean from pipelines "decommissioned in place," and BSEE doesn't require a comparative environmental impact assessment for all potential decommissioning processes. This lack of regulation has resulted in BSEE defaulting to procedures that financially favor pipeline operators while contributing to a growing network of environmental threats that are not fully understood. GAO found that BSEE does not have adequate funds to remove all the abandoned pipelines from the seafloor.

H.R. 2643 incorporates nearly all of GAO's recommendations to improve offshore pipeline safety for both active and decommissioned pipelines. H.R. 2643 requires BSEE to issue regulations to improve the oversight of offshore pipelines, conduct a study on the environmental risks associated with decommissioning oil and gas pipelines in place, and to charge owners of offshore pipelines an annual fee to fund pipeline removal, among other important reforms.

COMMITTEE ACTION

H.R. 2643 was introduced on April 19, 2021, by Representative Julia Brownley (D-CA). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Energy and Mineral Resources. On May 13, 2021, the Subcommittee held a hearing on the bill. On October 13, 2021, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Rep. Matt Rosendale (R-MT) offered an amendment designated Rosendale #1. The amendment was not agreed to by a roll call vote of 16 yeas and 23 nays, as follows:

⁵ Migliozi, Blacki, and Hiroko Tabuchi. "After Hurricane Ida, Oil Infrastructure Springs Dozens of Leaks." New York Times. Sept. 26, 2021. <https://www.nytimes.com/interactive/2021/09/26/climate/ida-oil-spills.html>.

Date: October 13, 2021

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2643

Amendment: Rep. Rosendale #1 amendment

Disposition: Not agreed to by a roll call vote of 16 yeas and 23 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN			
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU			
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	REP. MEMBERS (22)			
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ			
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA			
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA			
13	Mr. Moore, UT	X		
14	Mr. Obermole, CA			
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA			
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	16	23	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Rosendale offered an amendment designated Rosendale #2. The amendment was withdrawn. Rep. Rosendale offered an amendment designated Rosendale #3. The amendment was not agreed to by a roll call vote of 18 yeas and 25 nays, as follows:

Date: October 13, 2021

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2643

Amendment: Rep. Rosendale #3 amendment

Disposition: Not agreed to by a roll call vote of 18 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU			
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)			
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ			
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA			
13	Mr. Moore, UT	X		
14	Mr. Oberholte, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA			
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	18	25	
	TOTALS	YEAS	NAYS	PRESENT

By unanimous consent, Rep. Jerry Carl (R-AL) offered an amendment on behalf of Rep. Garret Graves (R LA) designated Graves #2. The amendment was agreed to by voice vote. Rep. Graves offered an amendment designated Graves #3. The amendment was not agreed to by a roll call vote of 17 yeas and 24 nays, as follows:

Date: October 13, 2021

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2643

Amendment: Rep. Graves #3 amendment

Disposition: Not agreed to by a roll call vote of 17 yeas and 24 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger-Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN			
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU			
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)			
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ			
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA			
13	Mr. Moore, UT	X		
14	Mr. Oberholte, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI			
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA			
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	17	24	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Graves offered an amendment designated Graves #4. The amendment was not agreed to by voice vote. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 25 yeas and 18 nays, as follows:

Date: October 13, 2021

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2643

Amendment:

Disposition: Final Passage: H.R. 2643, as amended, was ordered favorably reported to the House of Representatives by a roll call vote of 25 yeas and 18 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA	X		
2	Mr. Case, HI	X		
3	Mr. Cohen, TN	X		
4	Mr. Costa, CA	X		
5	Ms. DeGette, CO	X		
6	Mrs. Dingell, MI	X		
7	Mr. Gallego, AZ	X		
8	Mr. Garcia, IL	X		
9	Mr. Grijalva, AZ (<i>Chair</i>)	X		
10	Mr. Huffman, CA	X		
11	Ms. Leger Fernández, NM	X		
12	Mr. Levin, CA	X		
13	Mr. Lowenthal, CA	X		
14	Ms. McCollum, MN	X		
15	Mr. McEachin, VA	X		
16	Mrs. Napolitano, CA	X		
17	Mr. Neguse, CO	X		
18	Ms. Porter, CA	X		
19	Mr. Sablan, MP	X		
20	Mr. San Nicolas, GU			
21	Mr. Soto, FL	X		
22	Ms. Stansbury, NM	X		
23	Ms. Tlaib, MI	X		
24	Mr. Tonko, NY	X		
25	Ms. Trahan, MA	X		
26	Ms. Velázquez, NY	X		
	REP. MEMBERS (22)			
1	Mr. Bentz, OR		X	
2	Mrs. Boebert, CO		X	
3	Mr. Carl, AL		X	
4	Mr. Fulcher, ID		X	
5	Mr. Gohmert, TX		X	
6	Miss González-Colón, PR		X	
7	Mr. Gosar, AZ			
8	Mr. Graves, LA		X	
9	Ms. Herrell, NM		X	
10	Mr. Hice, GA		X	
11	Mr. Lamborn, CO		X	
12	Mr. McClintock, CA			
13	Mr. Moore, UT		X	
14	Mr. Obernolte, CA		X	
15	Mrs. Radewagen, AS		X	
16	Mr. Rosendale, MT		X	
17	Mr. Stauber, MN		X	
18	Mr. Tiffany, WI		X	
19	Mr. Webster, FL		X	
20	Mr. Westerman, AR (RM)		X	
21	Mr. Wittman, VA			
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	25	18	
	TOTALS	YEAS	NAYS	PRESENT

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Energy and Mineral Resources held on May 13, 2021.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

The Act may be cited as the “Offshore Pipeline Safety Act.”

Section 2. Finalization of regulations related to offshore pipelines

This section requires BSEE to issue final regulations within 18 months to require owners of oil and gas pipelines to conduct internal and external inspections by a third-party no less than every two years and to equip pipelines with a leak detection system.

Section 3. Addressing environmental risks of decommissioning pipelines

Section 3 requires the Directors of BSEE and BOEM to study the environmental risks associated with decommissioning oil and gas pipelines in place as opposed to removing them. The study shall evaluate pipelines that have been decommissioned in place, identify those at high-risk of causing safety and environmental harm, or could otherwise impede other uses of the outer-continental shelf. The study shall also make recommendations on the best use of revenues generated by the annual pipeline fees authorized in the legislation. The report shall be transmitted to the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources no later than 18 months after the date of enactment.

The section also requires BSEE to consider potential hazards to navigation and fishing operations, interference with other OCS uses, and adverse environmental effects when determining whether to permit an owner to decommission an oil or gas pipeline in place.

The section requires BSEE to continually monitor the condition and location of all oil and gas pipelines that have been decommissioned in place and maintain all records.

Lastly, this section establishes an annual pipeline owners’ fees and creates the Offshore Pipeline Cleanup Fund. BSEE is required to issue regulations to assess an annual fee on owners of offshore oil and gas pipelines, which will then be deposited into the Fund and be made available to BSEE for the purposes of decommissioning or removing offshore oil and gas pipelines that pose a high-risk of causing safety and environmental harm, causing obstructions, or otherwise unduly interfering with present or future uses of the outer continental shelf.

Section 4. Requirement relating to exposed segments of offshore pipelines

Section 4 directs BSEE to remove or decommission a pipeline segment that is exposed so that it no longer poses a threat. If a segment of any active pipeline is exposed or shifts, BSEE shall re-secure it to the sea floor.

Section 5. Completion of study relating to environmental risks of chemical products used in oil and gas operations

In Section 5, BSEE is directed to complete a study on the risks to the environment of chemical products used in oil and gas operations. The agency shall submit a report to Congress, including any recommendations for legislation, within two years after the date of enactment.

Section 6. Relationship to other laws

Section 6 clarifies that nothing in this Act affects the authority of the Secretary of Transportation to regulate pipeline safety.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) and clause 3(d) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional Budget Office, should such cost estimate be made available before House passage of the bill.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to require the Bureau of Safety and Environmental Enforcement to further develop, finalize, and implement updated regulations for offshore oil and gas pipelines to address longstanding limitations regarding its ability to ensure active pipeline integrity and address safety and environmental risks associated with decommissioning.

EARMARK STATEMENT

This bill does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee, if such estimate is not publicly available on the Congressional Budget Office website.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

DISSENTING VIEWS

H.R. 2643 would direct the Bureau of Ocean and Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE) to finalize regulations for the inspection of offshore pipelines by third parties and installation of leak detection systems on offshore pipelines; study the environmental risks associated with decommissioning oil and gas pipelines; and assess new fees on offshore pipeline operators. H.R. 2643 attempts to incorporate recommendations from a Government Accountability Office (GAO) report released in March 2021 titled “Offshore Oil and Gas: Updated Regulations Needed to Improve Pipeline Oversight and Decommissioning.”¹

According to GAO, approximately 40,000 miles of oil and gas pipelines have been installed on the OCS since the 1940s, with approximately 8,600 miles of offshore pipelines active today. BSEE is responsible for the oversight of active pipelines and their decommissioning. The GAO found that since the 1960s, over 97 percent—about 18,000 miles—of pipelines were left on the Gulf of Mexico seafloor, rather than being removed following decommissioning. The report recommends that BSEE finalize updated pipeline regulations to address risks associated with pipeline decommissioning and expand oversight of active offshore pipelines. Ensuring that offshore operations are conducted safely is a bipartisan concern. However, many of the requirements in H.R. 2643 would be duplicative of ongoing efforts by industry and existing requirements of regulations under BSEE. H.R. 2643 would be unnecessarily burdensome to offshore pipeline owners by establishing arbitrary fees and imposing duplicative regulatory requirements.

Additionally, offshore infrastructure provides a vast supply of artificial reefs, allowing for diverse marine life to flourish in a variety of new locations. In many circumstances, removing these facilities after decommissioning would destroy existing marine habitat. For example, BSEE’s Rigs to Reefs program sustains these ecosystems by converting decommissioned offshore facilities into reefs.² Soon after an offshore rig is constructed, marine life begins to collect on the stationary rig jacket. Within six months, the underwater structure hosts a vibrant community including invertebrates, fish, sea turtles, and mammals.³ As the average life cycle of an offshore facility in the Gulf of Mexico spans several decades, these structures become an integral part of the offshore environment. Any consideration of decommissioning and removal of offshore infrastructure

¹Offshore Oil and Gas: Updated Regulations Needed to Improve Pipeline Oversight and Decommissioning. GAO-21-293. Published: Mar 19, 2021. Publicly Released: Apr 19, 2021. <https://www.gao.gov/products/gao-21-293>.

²Bureau of Offshore Safety and Enforcement. Rigs to Reefs. <https://www.bsee.gov/what-we-do/environmental-compliance/environmental-programs/rigs-to-reefs>.

³“Rigs to Reefs” <http://www.api.org/oil-and-natural-gas/environment/clean-water/oil-spill-prevention-and-response/rigs-to-reefs>.

must consider the importance of this infrastructure to the marine environment. Offshore pipeline regulations should take into account the latest technology and allow for innovation to modernize our pipeline infrastructure.

Because H.R. 2642 would stifle innovation and potentially harm the marine environment, I oppose this bill in its current form.

BRUCE WESTERMAN.

