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117TH CONGRESS
2^D SESSION

S. 2130

[Report No. 117–200]

To modify the disposition of certain outer Continental Shelf revenues and to open Federal financial sharing to heighten opportunities for renewable energy, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2021

Mr. WHITEHOUSE (for himself, Mr. CASSIDY, Mr. COONS, Mrs. HYDE-SMITH, Mr. KAINE, Mr. KING, Mr. SCHATZ, Mrs. SHAHEEN, Mr. VAN HOLLEN, Mr. WICKER, Mr. HEINRICH, Mr. BLUMENTHAL, Mr. KENNEDY, Mrs. GILLIBRAND, Mr. HICKENLOOPER, Mrs. FEINSTEIN, Ms. COLLINS, Mr. WARNER, Mr. CARDIN, Mr. MURPHY, Mr. DAINES, and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

NOVEMBER 17, 2022

Reported by Mr. MANCHIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To modify the disposition of certain outer Continental Shelf revenues and to open Federal financial sharing to heighten opportunities for renewable energy, 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 “Reinvesting In Shore-
 5 line Economies and Ecosystems Act of 2021” or the
 6 “RISEE Act of 2021”.

7 **SEC. 2. NATIONAL OCEANS AND COASTAL SECURITY FUND;**
 8 **PARITY IN OFFSHORE WIND REVENUE SHAR-**
 9 **ING.**

10 (a) DEFINITIONS IN THE NATIONAL OCEANS AND
 11 COASTAL SECURITY ACT.—Section 902 of the National
 12 Oceans and Coastal Security Act (16 U.S.C. 7501) is
 13 amended—

14 (1) by striking paragraph (5) and inserting the
 15 following:

16 “(5) INDIAN TRIBE.—The term ‘Indian tribe’
 17 has the meaning given that term in section 4 of the
 18 Indian Self-Determination and Education Assistance
 19 Act (25 U.S.C. 5304).”; and

20 (2) by striking paragraph (7) and inserting the
 21 following:

22 “(7) TIDAL SHORELINE.—The term ‘tidal
 23 shoreline’ means the length of tidal shoreline or
 24 Great Lake shoreline based on the most recently
 25 available data from or accepted by the Office of

1 Coast Survey of the National Oceanic and Atmos-
 2 pheric Administration.”.

3 (b) NATIONAL OCEANS AND COASTAL SECURITY
 4 FUND.—Section 904 of the National Oceans and Coastal
 5 Security Act (16 U.S.C. 7503) is amended—

6 (1) in subsection (a), by inserting “and man-
 7 age” after “establish”;

8 (2) in subsection (b), by striking paragraph (1)
 9 and inserting the following:

10 “(1) IN GENERAL.—The Fund shall consist of
 11 such amounts as—

12 “(A) are deposited in the Fund under sec-
 13 tion 105(a)(2)(B) of the Gulf of Mexico Energy
 14 Security Act of 2006 (43 U.S.C. 1331 note;
 15 Public Law 109–432);

16 “(B) are deposited in the Fund under sub-
 17 paragraph (C)(ii)(I)(bb) of section 8(p)(2) of
 18 the Outer Continental Shelf Lands Act (43
 19 U.S.C. 1337(p)(2)); and

20 “(C) are appropriated or otherwise made
 21 available for the Fund.”;

22 (3) by striking subsection (d) and inserting the
 23 following:

24 “(d) EXPENDITURE.—

1 “(1) \$34,000,000 OR LESS.—If \$34,000,000 or
2 less is deposited in, or appropriated or otherwise
3 made available for, the Fund for a fiscal year, in
4 that fiscal year—

5 “(A) not more than 5 percent of such
6 amounts may be used by the Administrator and
7 the Foundation for administrative expenses to
8 carry out this title; and

9 “(B) any remaining amounts shall be used
10 only for the award of grants under section
11 906(e).

12 “(2) MORE THAN \$34,000,000.—If more than
13 \$34,000,000 is deposited in, or appropriated or oth-
14 erwise made available for, the Fund for a fiscal year,
15 in that fiscal year—

16 “(A) not more than 5 percent of such
17 amounts may be used by the Administrator and
18 the Foundation for administrative expenses to
19 carry out this title;

20 “(B) not less than \$34,000,000 shall be
21 used for the award of grants under section
22 906(e); and

23 “(C) of any amounts exceeding
24 \$34,000,000—

1 “(i) not more than 75 percent may be
 2 used for the award of grants under section
 3 906(b); and

4 “(ii) not more than 20 percent may be
 5 used for the award of grants under section
 6 906(c).

7 “(3) DIVISION OF AMOUNTS FOR ADMINISTRA-
 8 TIVE EXPENSES.—The amounts referred to in para-
 9 graphs (1)(A) and (2)(A) shall be divided between
 10 the Administrator and the Foundation pursuant to
 11 an agreement reached and documented by both the
 12 Administrator and the Foundation.”; and

13 (4) in subsection (c)(2), by striking “section
 14 906(a)(1)” and inserting “section 906(a)”.

15 (c) ELIGIBLE USES OF AMOUNTS IN THE NATIONAL
 16 OCEANS AND COASTAL SECURITY FUND.—Section 905 of
 17 the National Oceans and Coastal Security Act (16 U.S.C.
 18 7504) is amended to read as follows:

19 **“SEC. 905. ELIGIBLE USES.**

20 “(a) IN GENERAL.—Amounts in the Fund may be
 21 allocated by the Administrator under section 906(b) and
 22 the Foundation, in consultation with the Administrator,
 23 under section 906(c) to support programs and activities
 24 intended to improve understanding and use of ocean and
 25 coastal resources and coastal infrastructure.

1 “(b) PROGRAMS AND ACTIVITIES.—The programs
 2 and activities referred to in subsection (a) may include sci-
 3 entific research related to changing environmental condi-
 4 tions; ocean observing projects; efforts to enhance resil-
 5 iency of infrastructure and communities (including project
 6 planning and design); habitat protection and restoration;
 7 monitoring and reducing damage to natural resources and
 8 marine life (including birds, marine mammals, and fish);
 9 and efforts to support sustainable seafood production ear-
 10 ried out by States, local governments, Indian tribes, re-
 11 gional and interstate collaboratives (such as regional ocean
 12 partnerships); nongovernmental organizations; public-pri-
 13 vate partnerships; and academic institutions.

14 “(c) PROHIBITION ON USE OF FUNDS FOR LITIGA-
 15 TION OR OTHER PURPOSES.—No funds made available
 16 under this title may be used—

17 “(1) to fund litigation against the Federal Gov-
 18 ernment; or

19 “(2) to fund the creation of national marine
 20 monuments, marine protected areas, or marine spa-
 21 tial plans.”.

22 “(d) GRANTS UNDER THE NATIONAL OCEANS AND
 23 COASTAL SECURITY ACT.—Section 906 of the National
 24 Oceans and Coastal Security Act (16 U.S.C. 7505) is
 25 amended—

1 (1) in subsection (a)—

2 (A) by striking paragraph (2);

3 (B) by striking “(a) ADMINISTRATION OF
4 GRANTS.—” and all that follows through “the
5 following.” and inserting the following:

6 “(a) ADMINISTRATION OF GRANTS.—Not later than
7 90 days after funds are deposited in the Fund and made
8 available to the Administrator and the Foundation for ad-
9 ministrative purposes, the Administrator and the Founda-
10 tion shall establish the following.”;

11 (C) in subparagraph (A), by striking “such
12 subsections” and inserting “this section”;

13 (D) by striking subparagraph (B) and in-
14 serting the following:

15 “(B) Selection procedures and criteria for
16 the awarding of grants under this section that
17 require consultation with the Administrator and
18 the Secretary of the Interior.”;

19 (E) in subparagraph (C), by striking
20 clause (ii) and inserting the following:

21 “(ii) under subsection (c) to entities
22 including States, local governments, Indian
23 tribes, regional and interstate collabora-
24 tives (such as regional ocean partnerships),
25 nongovernmental organizations, public-pri-

1 vate partnerships, and academic institu-
2 tions.”;

3 (F) in subparagraph (D), by striking “Per-
4 formance accountability and monitoring” and
5 inserting “Performance, accountability, and
6 monitoring”;

7 (G) by redesignating subparagraphs (A)
8 through (H) as paragraphs (1) through (8), re-
9 spectively, and moving such paragraphs, as so
10 redesignated, 2 ems to the left; and

11 (H) in paragraph (3), as so redesignated,
12 by redesignating clauses (i) and (ii) as subpara-
13 graphs (A) and (B), respectively, and moving
14 such subparagraphs, as so redesignated, 2 ems
15 to the left;

16 (2) by striking subsection (b) and inserting the
17 following:

18 “(b) GRANTS TO COASTAL STATES.—

19 “(1) IN GENERAL.—The Administrator shall
20 award grants to coastal States as follows:

21 “(A) Seventy percent of available amounts
22 shall be allocated equally among coastal States.

23 “(B) Fifteen percent of available amounts
24 shall be allocated on the basis of the ratio of

1 tidal shoreline in a coastal State to the tidal
2 shoreline of all coastal States.

3 ~~“(C) Fifteen percent of available amounts~~
4 ~~shall be allocated on the basis of the ratio of~~
5 ~~population density of the coastal counties of a~~
6 ~~coastal State to the average population density~~
7 ~~of all coastal counties based on the most recent~~
8 ~~data available from the Bureau of the Census.~~

9 ~~“(2) MAXIMUM ALLOCATION TO STATES.—Not-~~
10 ~~withstanding paragraph (1), not more than 5 per-~~
11 ~~cent of the total funds distributed under this sub-~~
12 ~~section may be allocated to any single coastal State.~~
13 ~~Any amount exceeding that limitation shall be redis-~~
14 ~~tributed equally among the remaining coastal States.~~

15 ~~“(3) OPTIONAL MATCHING FUNDS.—Each enti-~~
16 ~~ty seeking to receive a grant under this subsection~~
17 ~~is encouraged, but not required, to demonstrate that~~
18 ~~funds of any amount are available from non-Federal~~
19 ~~sources to supplement the amount of the grant.”;~~
20 ~~and~~

21 ~~(3) in subsection (c)—~~

22 ~~(A) in paragraph (1), by striking “The Ad-~~
23 ~~ministrator and the Foundation” and inserting~~
24 ~~“The Foundation, in consultation with the Ad-~~
25 ~~ministrator,”; and~~

1 (B) by adding at the end the following:

2 “(3) EXCLUSION OF FUNDS FROM LIMITA-
3 TION.—The amount of a grant awarded under this
4 subsection shall not count toward the limitation
5 under subsection (b)(2) on funding to coastal States
6 through grants awarded under subsection (b).”.

7 (c) ANNUAL REPORT ON OPERATION OF THE NA-
8 TIONAL OCEANS AND COASTAL SECURITY FUND.—Sec-
9 tion 907(a) of the National Oceans and Coastal Security
10 Act (16 U.S.C. 7506(a)) is amended by striking “Subject
11 to” and all that follows through “the Foundation” and
12 inserting the following: “Not later than 60 days after the
13 end of each fiscal year, the Administrator and the Founda-
14 tion”.

15 (f) REPEAL OF AUTHORIZATION OF APPROPRIATIONS
16 FOR FISCAL YEARS 2017, 2018, AND 2019.—Section 908
17 of the National Oceans and Coastal Security Act (16
18 U.S.C. 7507) is repealed.

19 (g) PARITY IN OFFSHORE WIND REVENUE SHAR-
20 ING.—Section 8(p)(2) of the Outer Continental Shelf
21 Lands Act (43 U.S.C. 1337(p)(2)) is amended—

22 (1) in subparagraph (A), by striking “(A) The
23 Secretary” and inserting the following:

24 “(A) IN GENERAL.—Subject to subpara-
25 graphs (B) and (C), the Secretary”;

(2) in subparagraph (B), by striking “(B) The Secretary” and inserting the following:

“(B) DISPOSITION OF REVENUES FOR PROJECTS LOCATED WITHIN 3 NAUTICAL MILES SEAWARD OF STATE SUBMERGED LAND.—The Secretary”; and

(3) by adding at the end the following:

“(C) DISPOSITION OF REVENUES FOR OFFSHORE WIND PROJECTS IN CERTAIN AREAS.—

“(i) DEFINITIONS.—In this subparagraph:

“(I) COVERED OFFSHORE WIND PROJECT.—The term ‘covered offshore wind project’ means a wind-powered electric generation project in a wind energy area on the outer Continental Shelf that is not wholly or partially located within an area subject to subparagraph (B).

“(II) ELIGIBLE STATE.—The term ‘eligible State’ means a State a point on the coastline of which is located within 75 miles of the geographic center of the covered offshore wind project.

1 “(ii) REQUIREMENT.—

2 “(I) IN GENERAL.—Of the oper-
3 ating fees, rentals, bonuses, royalties,
4 and other payments that are paid to
5 the Secretary under subparagraph (A)
6 from covered offshore wind projects—

7 “(aa) 12.5 percent shall be
8 deposited in the Treasury and
9 credited to miscellaneous re-
10 ceipts;

11 “(bb) 37.5 percent shall be
12 deposited in the National Oceans
13 and Coastal Security Fund estab-
14 lished under section 904(a) of
15 the National Oceans and Coastal
16 Security Act (16 U.S.C.
17 7503(a)); and

18 “(cc) 50 percent shall be de-
19 posited in a special account in
20 the Treasury, from which the
21 Secretary, subject to subelause
22 (HI), shall disburse to each eligi-
23 ble State an amount (based on a
24 formula established by the Sec-
25 retary of the Interior by rule-

1 making not later than 180 days
 2 after the date of enactment of
 3 the Reinvesting In Shoreline
 4 Economies and Ecosystems Act
 5 of 2021) that is inversely propor-
 6 tional to the respective distances
 7 between—

8 “(AA) the point on the
 9 coastline of each eligible
 10 State that is closest to the
 11 geographic center of the ap-
 12 plicable leased tract; and

13 “(BB) the geographic
 14 center of the leased tract.

15 “(H) MINIMUM ALLOCATION.—

16 The amount allocated to an eligible
 17 State each fiscal year under item (cc)
 18 of subelause (I) shall be at least 10
 19 percent of the amounts available
 20 under that item.

21 “(iii) TIMING.—The amounts required
 22 to be deposited under item (cc) of clause
 23 (ii)(I) for the applicable fiscal year shall be
 24 made available in accordance with that

1 item during the fiscal year immediately fol-
2 lowing the applicable fiscal year.

3 ~~“(iv) AUTHORIZED USES.—~~

4 ~~“(I) IN GENERAL.—Subject to~~
5 ~~subelause (II), each State shall use all~~
6 ~~amounts received under elause~~
7 ~~(ii)(I)(cc) in accordance with all appli-~~
8 ~~cable Federal and State laws, only for~~
9 ~~1 or more of the following purposes:~~

10 ~~“(aa) Projects and activities~~
11 ~~for the purposes of coastal pro-~~
12 ~~tection, including conservation,~~
13 ~~coastal restoration, hurricane~~
14 ~~protection, and infrastructure di-~~
15 ~~rectly affected by coastal wetland~~
16 ~~losses.~~

17 ~~“(bb) Mitigation of damage~~
18 ~~to fish, wildlife, or natural re-~~
19 ~~sources, including through fish-~~
20 ~~eries science and research.~~

21 ~~“(cc) Implementation of a~~
22 ~~federally approved marine, coast-~~
23 ~~al, or comprehensive conservation~~
24 ~~management plan.~~

1 “(dd) Mitigation of the im-
 2 pact of outer Continental Shelf
 3 activities through the funding of
 4 onshore infrastructure projects.

5 “(ee) Planning assistance
 6 and the administrative costs of
 7 complying with this section.

8 “(II) LIMITATION.—Of the
 9 amounts received by a State under
 10 clause (ii)(I)(ee), not more than 3 per-
 11 cent shall be used for the purposes de-
 12 scribed in subclause (I)(ee).

13 “(v) ADMINISTRATION.—Subject to
 14 clause (vi)(III), amounts made available
 15 under clause (ii)(I) shall—

16 “(I) be made available, without
 17 further appropriation, in accordance
 18 with this paragraph;

19 “(II) remain available until ex-
 20 pended; and

21 “(III) be in addition to any
 22 amount appropriated under any other
 23 Act.

24 “(vi) REPORTING REQUIREMENT.—

1 “(I) IN GENERAL.—Not later
2 than 180 days after the end of each
3 fiscal year, the Governor of each eligi-
4 ble State that receives amounts under
5 clause (ii)(I)(cc) for the applicable fis-
6 cal year shall submit to the Secretary
7 a report that describes the use of the
8 amounts by the eligible State during
9 the period covered by the report.

10 “(II) PUBLIC AVAILABILITY.—On
11 receipt of a report under subclause
12 (I), the Secretary shall make the re-
13 port available to the public on the
14 website of the Department of the In-
15 terior.

16 “(III) LIMITATION.—If the Gov-
17 ernor of an eligible State that receives
18 amounts under clause (ii)(I)(cc) for
19 the applicable fiscal year fails to sub-
20 mit the report required under sub-
21 clause (I) by the deadline specified in
22 that subclause, any amounts that
23 would otherwise be provided to the eli-
24 gible State under clause (ii)(I)(cc) for
25 the succeeding fiscal year shall be de-

1 posited in the National Oceans and
 2 Coastal Security Fund established
 3 under section 904(a) of the National
 4 Oceans and Coastal Security Act (16
 5 U.S.C. 7503(a)).”.

6 (h) EXEMPTION OF CERTAIN PAYMENTS FROM SE-
 7 QUESTRATION.—

8 (1) IN GENERAL.—Section 255(g)(1)(A) of the
 9 Balanced Budget and Emergency Deficit Control
 10 Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by
 11 inserting after “Payments to Social Security Trust
 12 Funds (28–0404–0–1–651).” the following:

13 “Payments to States pursuant to subpara-
 14 graph (C)(ii)(I)(ee) of section 8(p)(2) of the
 15 Outer Continental Shelf Lands Act (43 U.S.C.
 16 1337(p)(2)).”.

17 (2) APPLICABILITY.—The amendment made by
 18 this subsection shall apply to any sequestration
 19 order issued under the Balanced Budget and Emer-
 20 gency Deficit Control Act of 1985 (2 U.S.C. 900 et
 21 seq.) on or after the date of enactment of this Act.

22 **SEC. 3. GULF OF MEXICO OUTER CONTINENTAL SHELF**
 23 **REVENUES.**

24 (a) DEFINITION OF QUALIFIED OUTER CONTI-
 25 NENTAL SHELF REVENUES.—Section 102(9)(A) of the

1 Gulf of Mexico Energy Security Act of 2006 (43 U.S.C.
2 1331 note; Public Law 109-432) is amended—

3 (1) in clause (i)(II), by striking “and” after the
4 semicolon; and

5 (2) by striking clause (ii) and inserting the fol-
6 lowing:

7 “(ii) with respect to amounts dis-
8 bursed under subparagraphs (A) and (B)
9 of section 105(a)(2)—

10 “(I) in the case of each of fiscal
11 years 2017 through 2021, all rentals,
12 royalties, bonus bids, and other sums
13 due and payable to the United States
14 received on or after October 1, 2016,
15 from leases entered into on or after
16 December 20, 2006, for—

17 “(aa) the 181 Area;

18 “(bb) the 181 South Area;

19 and

20 “(cc) the 2002–2007 plan-
21 ning area; and

22 “(II) in the case of fiscal year
23 2022 and each fiscal year thereafter,
24 all rentals, royalties, bonus bids, and
25 other sums due and payable to the

1 United States received on or after Oc-
 2 tober 1, 2021, from leases entered
 3 into on or after October 1, 2000,
 4 for—

5 “(aa) the 181 Area;

6 “(bb) the 181 South Area;

7 and

8 “(cc) the 2002–2007 plan-
 9 ning area; and

10 “(iii) with respect to amounts dis-
 11 bursed under section 105(a)(2)(C), in the
 12 case of fiscal year 2017 and each fiscal
 13 year thereafter, all rentals, royalties, bonus
 14 bids, and other sums due and payable to
 15 the United States received on or after Oc-
 16 tober 1, 2016, from leases entered into on
 17 or after December 20, 2006, for—

18 “(I) the 181 Area;

19 “(II) the 181 South Area; and

20 “(III) the 2002–2007 planning
 21 area.”.

22 (b) DISPOSITION OF QUALIFIED OUTER CONTI-
 23 NENTAL SHELF REVENUES.—

(1) IN GENERAL.—Section 105(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(A) in paragraph (1), by striking “50” and inserting “25”; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “50” and inserting “75”;

(ii) in subparagraph (A)—

(I) by striking “75 percent” and inserting “ $\frac{2}{3}$ ”; and

(II) by striking “and” after the semicolon;

(iii) in subparagraph (B), by striking “25 percent” and inserting “ $\frac{1}{6}$ ”;

(iv) by redesignating subparagraph (B) as subparagraph (C); and

(v) by inserting after subparagraph (A) the following:

“(B) $\frac{1}{6}$ to the National Oceans and Coastal Security Fund established under section 904(a) of the National Oceans and Coastal Security Act (16 U.S.C. 7503(a)).”.

1 (2) CONFORMING AMENDMENT.—Section
 2 200304(b) of title 54, United States Code, is amend-
 3 ed, in the matter preceding paragraph (1), by strik-
 4 ing “105(a)(2)(B)” and inserting “105(a)(2)(C)”.

5 (e) ELIMINATION OF LIMITATION ON AMOUNT OF
 6 DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF
 7 REVENUES.—Section 105(f) of the Gulf of Mexico Energy
 8 Security Act of 2006 (43 U.S.C. 1331 note; Public Law
 9 109–432) is amended—

10 (1) in paragraph (1), by striking subparagraphs
 11 (A) through (C) and inserting the following:

12 “(A) \$500,000,000 for each of fiscal years
 13 2016 through 2019; and

14 “(B) \$650,000,000 for each of fiscal years
 15 2020 and 2021.”;

16 (2) in paragraph (2), by striking “2055” and
 17 inserting “2021”; and

18 (3) in paragraph (3), by striking “and (B)” and
 19 inserting “, (B), and (C)”.

20 (d) EXEMPTION OF CERTAIN PAYMENTS FROM SE-
 21 QUESTRATION.—

22 (1) IN GENERAL.—Section 255(g)(1)(A) of the
 23 Balanced Budget and Emergency Deficit Control
 24 Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by

1 inserting after “Payments to Social Security Trust
2 Funds (28-0404-0-1-651).” the following:

3 “Payments to States pursuant to section
4 105(a)(2)(A) of the Gulf of Mexico Energy Se-
5 curity Act of 2006 (Public Law 109-432; 43
6 U.S.C. 1331 note) (014-5535-0-2-302).”.

7 (2) **APPLICABILITY.**—The amendment made by
8 this subsection shall apply to any sequestration
9 order issued under the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985 (2 U.S.C. 900 et
11 seq.) on or after the date of enactment of this Act.

12 **SECTION 1. SHORT TITLE.**

13 *This Act may be cited as the “Reinvesting in Shoreline*
14 *Economies and Ecosystems Act of 2022” or the “RISEE*
15 *Act of 2022”.*

16 **SEC. 2. NATIONAL OCEANS AND COASTAL SECURITY FUND;**

17 **PARITY IN OFFSHORE WIND REVENUE SHAR-**
18 **ING.**

19 (a) **DEFINITIONS IN THE NATIONAL OCEANS AND**
20 **COASTAL SECURITY ACT.**—Section 902 of the National
21 Oceans and Coastal Security Act (16 U.S.C. 7501) is
22 amended—

23 (1) *by striking paragraph (5) and inserting the*
24 *following:*

1 “(5) *INDIAN TRIBE*.—The term ‘Indian tribe’ has
 2 the meaning given that term in section 4 of the In-
 3 dian Self-Determination and Education Assistance
 4 Act (25 U.S.C. 5304).”; and

5 (2) by striking paragraph (7) and inserting the
 6 following:

7 “(7) *TIDAL SHORELINE*.—The term ‘tidal shore-
 8 line’ means the length of tidal shoreline or Great Lake
 9 shoreline based on the most recently available data
 10 from or accepted by the Office of Coast Survey of the
 11 National Oceanic and Atmospheric Administration.”.

12 (b) *NATIONAL OCEANS AND COASTAL SECURITY*
 13 *FUND*.—Section 904 of the National Oceans and Coastal
 14 Security Act (16 U.S.C. 7503) is amended—

15 (1) in subsection (a), by inserting “and manage”
 16 after “establish”;

17 (2) in subsection (b), by striking paragraph (1)
 18 and inserting the following:

19 “(1) *IN GENERAL*.—The Fund shall consist of
 20 such amounts as—

21 “(A) are deposited in the Fund under sub-
 22 paragraph (C)(ii)(II) of section 8(p)(2) of the
 23 Outer Continental Shelf Lands Act (43 U.S.C.
 24 1337(p)(2)); and

1 “(B) are appropriated or otherwise made
2 available for the Fund.”;

3 (3) by striking subsection (d) and inserting the
4 following:

5 “(d) EXPENDITURE.—

6 “(1) \$34,000,000 OR LESS.—If \$34,000,000 or
7 less is deposited in, or appropriated or otherwise
8 made available for, the Fund for a fiscal year, in that
9 fiscal year—

10 “(A) not more than 5 percent of such
11 amounts may be used by the Administrator and
12 the Foundation for administrative expenses to
13 carry out this title; and

14 “(B) any remaining amounts shall be used
15 only for the award of grants under section
16 906(c).

17 “(2) MORE THAN \$34,000,000.—If more than
18 \$34,000,000 is deposited in, or appropriated or other-
19 wise made available for, the Fund for a fiscal year,
20 in that fiscal year—

21 “(A) not more than 5 percent of such
22 amounts may be used by the Administrator and
23 the Foundation for administrative expenses to
24 carry out this title;

1 “(B) not less than \$34,000,000 shall be used
2 for the award of grants under section 906(c); and

3 “(C) of any amounts exceeding
4 \$34,000,000—

5 “(i) not more than 75 percent may be
6 used for the award of grants under section
7 906(b); and

8 “(ii) not more than 20 percent may be
9 used for the award of grants under section
10 906(c).

11 “(3) *DIVISION OF AMOUNTS FOR ADMINISTRA-*
12 *TIVE EXPENSES.—The amounts referred to in para-*
13 *graphs (1)(A) and (2)(A) shall be divided between the*
14 *Administrator and the Foundation pursuant to an*
15 *agreement reached and documented by both the Ad-*
16 *ministrator and the Foundation.”; and*

17 (4) in subsection (e)(2), by striking “section
18 906(a)(1)” and inserting “section 906(a)”.

19 (c) *ELIGIBLE USES OF AMOUNTS IN THE NATIONAL*
20 *OCEANS AND COASTAL SECURITY FUND.—Section 905 of*
21 *the National Oceans and Coastal Security Act (16 U.S.C.*
22 *7504) is amended to read as follows:*

23 **“SEC. 905. ELIGIBLE USES.**

24 “(a) *IN GENERAL.—Amounts in the Fund may be allo-*
25 *cated by the Administrator under section 906(b) and the*

1 *Foundation, in consultation with the Administrator, under*
 2 *section 906(c) to support programs and activities intended*
 3 *to improve understanding and use of ocean and coastal re-*
 4 *sources and coastal infrastructure.*

5 “(b) *PROGRAMS AND ACTIVITIES.*—*The programs and*
 6 *activities referred to in subsection (a) may include scientific*
 7 *research related to changing environmental conditions,*
 8 *ocean observing projects, efforts to enhance resiliency of in-*
 9 *frastructure and communities (including project planning*
 10 *and design), habitat protection and restoration, monitoring*
 11 *and reducing damage to natural resources and marine life*
 12 *(including birds, marine mammals, and fish), and efforts*
 13 *to support sustainable seafood production carried out by*
 14 *States, local governments, Indian tribes, regional and inter-*
 15 *state collaboratives (such as regional ocean partnerships),*
 16 *nongovernmental organizations, public-private partner-*
 17 *ships, and academic institutions.*

18 “(c) *PROHIBITION ON USE OF FUNDS FOR LITIGATION*
 19 *OR OTHER PURPOSES.*—*No funds made available under*
 20 *this title may be used—*

21 “(1) *to fund litigation against the Federal Gov-*
 22 *ernment; or*

23 “(2) *to fund the creation of national marine*
 24 *monuments, marine protected areas, or marine spa-*
 25 *tial plans.”.*

1 (d) *GRANTS UNDER THE NATIONAL OCEANS AND*
 2 *COASTAL SECURITY ACT.*—Section 906 of the National
 3 *Oceans and Coastal Security Act (16 U.S.C. 7505) is*
 4 *amended—*

5 (1) *in subsection (a)—*

6 (A) *by striking paragraph (2);*

7 (B) *by striking “(a) ADMINISTRATION OF*
 8 *GRANTS.—” and all that follows through “the*
 9 *following:” and inserting the following:*

10 “(a) *ADMINISTRATION OF GRANTS.*—Not later than 90
 11 *days after funds are deposited in the Fund and made avail-*
 12 *able to the Administrator and the Foundation for adminis-*
 13 *trative purposes, the Administrator and the Foundation*
 14 *shall establish the following:”;*

15 (C) *in subparagraph (A), by striking “such*
 16 *subsections” and inserting “this section”;*

17 (D) *by striking subparagraph (B) and in-*
 18 *serting the following:*

19 “(B) *Selection procedures and criteria for*
 20 *the awarding of grants under this section that*
 21 *require consultation with the Administrator and*
 22 *the Secretary of the Interior.”;*

23 (E) *in subparagraph (C), by striking clause*
 24 *(ii) and inserting the following:*

1 “(ii) under subsection (c) to entities
 2 including States, local governments, Indian
 3 tribes, regional and interstate collaboratives
 4 (such as regional ocean partnerships), non-
 5 governmental organizations, public-private
 6 partnerships, and academic institutions.”;

7 (F) in subparagraph (D), by striking “Per-
 8 formance accountability and monitoring” and
 9 inserting “Performance, accountability, and
 10 monitoring”;

11 (G) by redesignating subparagraphs (A)
 12 through (H) as paragraphs (1) through (8), re-
 13 spectively, and moving such paragraphs, as so
 14 redesignated, 2 ems to the left; and

15 (H) in paragraph (3), as so redesignated,
 16 by redesignating clauses (i) and (ii) as subpara-
 17 graphs (A) and (B), respectively, and moving
 18 such subparagraphs, as so redesignated, 2 ems to
 19 the left;

20 (2) by striking subsection (b) and inserting the
 21 following:

22 “(b) GRANTS TO COASTAL STATES.—

23 “(1) IN GENERAL.—The Administrator shall
 24 award grants to coastal States as follows:

1 “(A) 70 percent of available amounts shall
2 be allocated equally among coastal States.

3 “(B) 15 percent of available amounts shall
4 be allocated on the basis of the ratio of tidal
5 shoreline in a coastal State to the tidal shoreline
6 of all coastal States.

7 “(C) 15 percent of available amounts shall
8 be allocated on the basis of the ratio of popu-
9 lation density of the coastal counties of a coastal
10 State to the average population density of all
11 coastal counties based on the most recent data
12 available from the Bureau of the Census.

13 “(2) MAXIMUM ALLOCATION TO STATES.—Not-
14 withstanding paragraph (1), not more than 5 percent
15 of the total funds distributed under this subsection
16 may be allocated to any single coastal State. Any
17 amount exceeding that limitation shall be redistrib-
18 uted equally among the remaining coastal States.

19 “(3) OPTIONAL MATCHING FUNDS.—Each entity
20 seeking to receive a grant under this subsection is en-
21 couraged, but not required, to demonstrate that funds
22 of any amount are available from non-Federal sources
23 to supplement the amount of the grant.”; and

24 (3) in subsection (c)—

1 (A) in paragraph (1), by striking “The Ad-
 2 ministrators and the Foundation” and inserting
 3 “The Foundation, in consultation with the Ad-
 4 ministrators,”; and

5 (B) by adding at the end the following:

6 “(3) *EXCLUSION OF FUNDS FROM LIMITATION.*—
 7 The amount of a grant awarded under this subsection
 8 shall not count toward the limitation under sub-
 9 section (b)(2) on funding to coastal States through
 10 grants awarded under subsection (b).”.

11 (e) *ANNUAL REPORT ON OPERATION OF THE NA-*
 12 *TIONAL OCEANS AND COASTAL SECURITY FUND.*—Section
 13 907(a) of the National Oceans and Coastal Security Act
 14 (16 U.S.C. 7506(a)) is amended by striking “Subject to”
 15 and all that follows through “the Foundation” and insert-
 16 ing the following: “Not later than 60 days after the end
 17 of each fiscal year, the Administrator and the Foundation”.

18 (f) *REPEAL OF AUTHORIZATION OF APPROPRIATIONS*
 19 *FOR FISCAL YEARS 2017, 2018, AND 2019.*—Section 908
 20 of the National Oceans and Coastal Security Act (16 U.S.C.
 21 7507) is repealed.

22 (g) *PARITY IN OFFSHORE WIND REVENUE SHAR-*
 23 *ING.*—Section 8(p)(2) of the Outer Continental Shelf Lands
 24 Act (43 U.S.C. 1337(p)(2)) is amended—

1 (1) *in subparagraph (A), by striking “(A) The*
 2 *Secretary” and inserting the following:*

3 “(A) *IN GENERAL.—Subject to subpara-*
 4 *graphs (B) and (C), the Secretary”;*

5 (2) *in subparagraph (B), by striking “(B) The*
 6 *Secretary” and inserting the following:*

7 “(B) *DISPOSITION OF REVENUES FOR*
 8 *PROJECTS LOCATED WITHIN 3 NAUTICAL MILES*
 9 *SEAWARD OF STATE SUBMERGED LAND.—The*
 10 *Secretary”; and*

11 (3) *by adding at the end the following:*

12 “(C) *DISPOSITION OF REVENUES FOR OFF-*
 13 *SHORE WIND PROJECTS IN CERTAIN AREAS.—*

14 “(i) *DEFINITIONS.—In this subpara-*
 15 *graph:*

16 “(I) *COVERED OFFSHORE WIND*
 17 *PROJECT.—The term ‘covered offshore*
 18 *wind project’ means a wind-powered*
 19 *electric generation project in a lease*
 20 *area on the outer Continental Shelf*
 21 *that is not wholly or partially located*
 22 *within an area subject to subpara-*
 23 *graph (B).*

24 “(II) *ELIGIBLE STATE.—The term*
 25 *‘eligible State’ means a State a point*

1 *on the coastline of which is located*
 2 *within 75 miles of the geographic cen-*
 3 *ter of a lease tract lying wholly or*
 4 *partly within the area of the applica-*
 5 *ble covered offshore wind project.*

6 “(ii) *REQUIREMENT.*—*Of the operating*
 7 *fees, rentals, bonuses, royalties, and other*
 8 *payments that are paid to the Secretary*
 9 *under subparagraph (A) from covered off-*
 10 *shore wind projects carried out under a*
 11 *lease entered into on or after January 1,*
 12 *2022—*

13 “(I) *50 percent shall be deposited*
 14 *in the Treasury and credited to mis-*
 15 *cellaneous receipts;*

16 “(II) *12.5 percent shall be depos-*
 17 *ited in the National Oceans and Coast-*
 18 *al Security Fund established under sec-*
 19 *tion 904(a) of the National Oceans and*
 20 *Coastal Security Act (16 U.S.C.*
 21 *7503(a)); and*

22 “(III) *37.5 percent shall be depos-*
 23 *ited in a special account in the Treas-*
 24 *ury, from which the Secretary shall*
 25 *disburse to each eligible State an*

1 *amount (based on a formula estab-*
 2 *lished by the Secretary of the Interior*
 3 *by rulemaking not later than 180 days*
 4 *after the date of enactment of the Rein-*
 5 *vesting in Shoreline Economies and*
 6 *Ecosystems Act of 2022) that is in-*
 7 *versely proportional to the respective*
 8 *distances between—*

9 *“(aa) the point on the coast-*
 10 *line of each eligible State that is*
 11 *closest to the geographic center of*
 12 *the applicable leased tract; and*

13 *“(bb) the geographic center of*
 14 *the leased tract.*

15 *“(iii) TIMING.—The amounts required*
 16 *to be deposited under subclause (III) of*
 17 *clause (ii) for the applicable fiscal year*
 18 *shall be made available in accordance with*
 19 *that item during the fiscal year imme-*
 20 *diately following the applicable fiscal year.*

21 *“(iv) AUTHORIZED USES.—*

22 *“(I) IN GENERAL.—Subject to*
 23 *subclause (II), each State shall use all*
 24 *amounts received under clause (ii)(III)*
 25 *in accordance with all applicable Fed-*

1 *eral and State laws, only for 1 or more*
2 *of the following purposes:*

3 *“(aa) Projects and activities*
4 *for the purposes of coastal protec-*
5 *tion, including conservation,*
6 *coastal restoration, hurricane pro-*
7 *tection, and infrastructure di-*
8 *rectly affected by coastal wetland*
9 *losses.*

10 *“(bb) Mitigation of damage*
11 *to fish, wildlife, or natural re-*
12 *sources, including through fish-*
13 *eries science and research.*

14 *“(cc) Implementation of a*
15 *federally approved marine, coast-*
16 *al, or comprehensive conservation*
17 *management plan.*

18 *“(dd) Mitigation of the im-*
19 *pact of outer Continental Shelf*
20 *activities through the funding of*
21 *onshore infrastructure projects, on*
22 *the condition that the projects are*
23 *not primarily for entertainment*
24 *purposes.*

1 “(ee) *Planning assistance*
 2 *and the administrative costs of*
 3 *complying with this section.*

4 “(II) *LIMITATION.—Of the*
 5 *amounts received by a State under*
 6 *clause (ii)(III), not more than 3 per-*
 7 *cent shall be used for the purposes de-*
 8 *scribed in subclause (I)(ee).*

9 “(v) *ADMINISTRATION.—Subject to*
 10 *clause (vi)(III), amounts made available*
 11 *under clause (ii) shall—*

12 *“(I) be made available, without*
 13 *further appropriation, in accordance*
 14 *with this paragraph;*

15 *“(II) remain available until ex-*
 16 *pended; and*

17 *“(III) be in addition to any*
 18 *amount appropriated under any other*
 19 *Act.*

20 “(vi) *REPORTING REQUIREMENT FOR*
 21 *FISCAL YEAR 2023 AND THEREAFTER.—*

22 “(I) *IN GENERAL.—Beginning*
 23 *with fiscal year 2023, not later than*
 24 *180 days after the end of each fiscal*
 25 *year, each eligible State that receives*

1 *amounts under clause (ii)(III) for the*
2 *applicable fiscal year shall submit to*
3 *the Secretary a report that describes*
4 *the use of the amounts by the eligible*
5 *State during the period covered by the*
6 *report.*

7 “(II) *PUBLIC AVAILABILITY.*—On
8 *receipt of a report under subclause (I),*
9 *the Secretary shall make the report*
10 *available to the public on the website of*
11 *the Department of the Interior.*

12 “(III) *LIMITATION.*—If an eligible
13 *State that receives amounts under*
14 *clause (ii)(III) for the applicable fiscal*
15 *year fails to submit the report required*
16 *under subclause (I) by the deadline*
17 *specified in that subclause, any*
18 *amounts that would otherwise be pro-*
19 *vided to the eligible State under clause*
20 *(ii)(III) for the succeeding fiscal year*
21 *shall be withheld for the succeeding fis-*
22 *cal year until the date on which the re-*
23 *port is submitted.*

24 “(IV) *CONTENTS OF REPORT.*—
25 *Each report required under subclause*

1 *(I) shall include, for each project fund-*
 2 *ed in whole or in part using amounts*
 3 *received under clause (ii)(III)—*

4 *“(aa) the name and descrip-*
 5 *tion of the project;*

6 *“(bb) the amount received*
 7 *under clause (ii)(III) that is allo-*
 8 *cated to the project; and*

9 *“(cc) a description of how*
 10 *each project is consistent with the*
 11 *authorized uses under clause*
 12 *(iv)(I).*

13 *“(V) CLARIFICATION.—Nothing in*
 14 *this clause—*

15 *“(aa) requires or provides*
 16 *authority for the Secretary to*
 17 *delay, modify, or withhold pay-*
 18 *ment under clause (ii)(III), other*
 19 *than for failure to submit a report*
 20 *as required under this clause;*

21 *“(bb) requires or provides*
 22 *authority for the Secretary to re-*
 23 *view or approve uses of funds re-*
 24 *ported under this clause;*

1 “(cc) requires or provides au-
2 thority for the Secretary to ap-
3 prove individual projects that re-
4 ceive funds reported under this
5 clause;

6 “(dd) requires an eligible
7 State to obtain the approval of, or
8 review by, the Secretary prior to
9 spending funds disbursed under
10 clause (ii)(III);

11 “(ee) requires or provides au-
12 thority for the Secretary to issue
13 guidance relating to the contents
14 of, or to determine the complete-
15 ness of, the report required under
16 this clause;

17 “(ff) requires an eligible
18 State to obligate or expend funds
19 by a certain date; or

20 “(gg) requires or provides
21 authority for the Secretary to re-
22 quest an eligible State to return
23 unobligated funds.”.

1 **SEC. 3. GULF OF MEXICO OUTER CONTINENTAL SHELF REV-**
 2 **ENUES.**

3 (a) *AUTHORIZED USES.*—Section 105(d)(1)(D) of the
 4 *Gulf of Mexico Energy Security Act of 2006* (43 U.S.C.
 5 1331 note; Public Law 109–432) is amended by inserting
 6 “, on the condition that the projects are not primarily for
 7 entertainment purposes” after “infrastructure projects”.

8 (b) *ADMINISTRATION.*—Section 105(e) of the *Gulf of*
 9 *Mexico Energy Security Act of 2006* (43 U.S.C. 1331 note;
 10 Public Law 109–432) is amended, in the matter preceding
 11 paragraph (1), by striking “Amounts” and inserting “Sub-
 12 ject to subsection (g)(3), amounts”.

13 (c) *ELIMINATION OF LIMITATION ON AMOUNT OF DIS-*
 14 *TRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVE-*
 15 *NUES.*—Section 105(f) of the *Gulf of Mexico Energy Secu-*
 16 *rity Act of 2006* (43 U.S.C. 1331 note; Public Law 109–
 17 432) is amended—

18 (1) in paragraph (1), by striking subparagraphs
 19 (A) through (C) and inserting the following:

20 “(A) \$500,000,000 for each of fiscal years
 21 2016 through 2019; and

22 “(B) \$650,000,000 for each of fiscal years
 23 2020 through 2022.”; and

24 (2) in paragraph (2), by striking “2055” and in-
 25 serting “2022”.

1 (d) *REPORTING REQUIREMENTS.*—Section 105 of the
 2 *Gulf of Mexico Energy Security Act of 2006* (43 U.S.C.
 3 1331 note; Public Law 109–432) is amended by adding at
 4 the end the following:

5 “(g) *REPORTING REQUIREMENT FOR FISCAL YEAR*
 6 *2023 AND THEREAFTER.*—

7 “(1) *IN GENERAL.*—Beginning with fiscal year
 8 2023, not later than 180 days after the end of each
 9 fiscal year, each Gulf producing State that receives
 10 amounts under subsection (a)(2)(A) for the applicable
 11 fiscal year shall submit to the Secretary a report that
 12 describes the use of the amounts by the Gulf pro-
 13 ducing State during the period covered by the report.

14 “(2) *PUBLIC AVAILABILITY.*—On receipt of a re-
 15 port under paragraph (1), the Secretary shall make
 16 the report available to the public on the website of the
 17 Department of the Interior.

18 “(3) *LIMITATION.*—If a Gulf producing State
 19 that receives amounts under subsection (a)(2)(A) for
 20 the applicable fiscal year fails to submit the report re-
 21 quired under paragraph (1) by the deadline specified
 22 in that paragraph, any amounts that would otherwise
 23 be provided to the Gulf producing State under sub-
 24 section (a)(2)(A) for the succeeding fiscal year shall

1 *be withheld for the succeeding fiscal year until the*
 2 *date on which the report is submitted.*

3 “(4) *CONTENTS OF REPORT.*—*Each report re-*
 4 *quired under paragraph (1) shall include, for each*
 5 *project funded in whole or in part using amounts re-*
 6 *ceived under subsection (a)(2)(A)—*

7 “(A) *the name and description of the*
 8 *project;*

9 “(B) *the amount received under subsection*
 10 *(a)(2)(A) that is allocated to the project; and*

11 “(C) *a description of how each project is*
 12 *consistent with the authorized uses under sub-*
 13 *section (d)(1).*

14 “(5) *CLARIFICATION.*—*Nothing in this clause—*

15 “(A) *requires or provides authority for the*
 16 *Secretary to delay, modify, or withhold payment*
 17 *under subsection (a)(2)(A), other than for failure*
 18 *to submit a report as required under this sub-*
 19 *section;*

20 “(B) *requires or provides authority for the*
 21 *Secretary to review or approve uses of funds re-*
 22 *ported under this subsection;*

23 “(C) *requires or provides authority for the*
 24 *Secretary to approve individual projects that re-*
 25 *ceive funds reported under this subsection;*

1 “(D) requires a Gulf producing State to ob-
 2 tain the approval of, or review by, the Secretary
 3 prior to spending funds disbursed under sub-
 4 section (a)(2)(A);

5 “(E) requires or provides authority for the
 6 Secretary to issue guidance relating to the con-
 7 tents of, or to determine the completeness of, the
 8 report required under this subsection;

9 “(F) requires a Gulf producing State to ob-
 10 ligate or expend funds by a certain date; or

11 “(G) requires or provides authority for the
 12 Secretary to request a Gulf producing State to
 13 return unobligated funds.”.

14 **SEC. 4. ELIMINATION OF ADMINISTRATIVE FEE UNDER THE**
 15 **MINERAL LEASING ACT.**

16 (a) *IN GENERAL.*—Section 35 of the Mineral Leasing
 17 Act (30 U.S.C. 191) is amended—

18 (1) in subsection (a), in the first sentence, by
 19 striking “and, subject to the provisions of subsection
 20 (b),”;

21 (2) by striking subsection (b);

22 (3) by redesignating subsections (c) and (d) as
 23 subsections (b) and (c), respectively;

1 (4) in paragraph (3)(B)(ii) of subsection (b) (as
2 so redesignated), by striking “subsection (d)” and in-
3 serting “subsection (c)”; and

4 (5) in paragraph (3)(A)(ii) of subsection (c) (as
5 so redesignated), by striking “subsection (c)(2)(B)”
6 and inserting “subsection (b)(2)(B)”.

7 (b) *CONFORMING AMENDMENTS.*—

8 (1) Section 6(a) of the *Mineral Leasing Act for*
9 *Acquired Lands* (30 U.S.C. 355(a)) is amended—

10 (A) in the first sentence, by striking “Sub-
11 ject to the provisions of section 35(b) of the *Min-*
12 *eral Leasing Act* (30 U.S.C. 191(b)), all” and in-
13 serting “All”; and

14 (B) in the second sentence, by striking “of
15 the *Act of February 25, 1920* (41 Stat. 450; 30
16 U.S.C. 191),” and inserting “of the *Mineral*
17 *Leasing Act* (30 U.S.C. 191)”.

18 (2) Section 20(a) of the *Geothermal Steam Act*
19 of 1970 (30 U.S.C. 1019(a)) is amended, in the sec-
20 ond sentence of the matter preceding paragraph (1),
21 by striking “the provisions of subsection (b) of section
22 35 of the *Mineral Leasing Act* (30 U.S.C. 191(b)) and
23 section 5(a)(2) of this Act” and inserting “section
24 5(a)(2)”.

1 *(3) Section 205(f) of the Federal Oil and Gas*
2 *Royalty Management Act of 1982 (30 U.S.C. 1735(f))*
3 *is amended—*

4 *(A) in the first sentence, by striking “this*
5 *Section” and inserting “this section”; and*

6 *(B) by striking the fourth, fifth, and sixth*
7 *sentences.*

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117TH CONGRESS
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S. 2130

[Report No. 117-200]

A BILL

To modify the disposition of certain outer Continental Shelf revenues and to open Federal financial sharing to heighten opportunities for renewable energy, and for other purposes.

NOVEMBER 17, 2022

Reported with an amendment